



**AGENDA**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING SEPTEMBER 8, 2015**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order.**
2. **Pledge Of Allegiance.**
3. **Invocation.**
4. **Roll Call.**
5. **Declaration Of Conflicts Of Interest.**
6. **Ceremonial Matters.**
  - a. Oath Of Office To Newly Appointed Mayor - Robert Martina. ([View Oath](#))
  - b. Proclamation - World Polio Day. ([View Proclamation](#))
7. **Items from the Public - Non-Agenda Items.**
8. **Consent Calendar**
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants. ([View Warrant Register](#))
  - c. Approval Of Minutes Of The August 25, 2015 Meeting. ([View Minutes](#))
  - d. Adopt Resolution No. 2014- , A Resolution Rejecting The Claim Of State Farm Insurance As Subrogee Of Carlos Delgado. ([View Report](#))
  - e. Adopt Resolution No. 2015- , Approving The L.J. Newman Memorial Center Renovation Project As Complete And Authorizing Robert Martina As Mayor, And Mike Maier As City Clerk To Record A Notice Of Completion. ([View Report](#))
  - f. Accept The Stanislaus County Grand Jury Report And Response To The Findings And Recommendations (Civil Grand Jury Case No. 15-16GJ). ([View Report](#))
9. **Public Hearings.**
10. **Regular Business**
  - a. Adopt Resolution No. 2015- , A Resolution Awarding A Bid For The Skate Plaza Project. ([View Report](#))
  - b. Adopt Resolution No. 2015- , A Resolution, Approving An Application For Clean Water State Revolving Fund For Waste Discharge Requirement Renewal And WWTP Upgrades, And Authorizing The City Manager To Execute All Financial Documents, Applications, And Certifications. ([View Report](#))
  - c. Consider Approval Of The Rotary Club's Request To Temporarily Place A Banner At The Corner Of Fresno And Highway 33 As A Part Of Their End Polio Now Campaign. ([View Report](#))
  - d. Consider StanCOG And Public Safety Sub-Committee Appointments. ([View Report](#))

11. Items From District Five Stanislaus County Supervisor.
12. Items From The City Manager And Staff.
13. Items From City Council Members.
14. Adjournment.

### **Calendar of Events**

August 30 - September 7 - Fall Festival.

September 7 - Labor Day Holiday - City Offices Closed.

September 8 - City Council - 7:00 P.M.

September 10 - Recreation Commission - 7:00 P.M.

September 12 - Youth Soccer Season Begins.

September 15 - Two-On-Two Meeting With The School Board - 4:00 P.M.

September 17 - Planning Commission - 7:00 P.M.

September 22 - City Council - 7:00 P.M.



## **OATH OF ALLEGIANCE**

FOR PUBLIC OFFICERS AND EMPLOYEES  
(Required By Article 20, Section 3, California Constitution and Chapter 8,  
Division 4, Title 1 of Government Code)

I, Robert Martina, do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th DAY OF  
SEPTEMBER, 2015.**

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**Nubia Goldstein**  
City Attorney

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**Robert Martina**  
Mayor

# Proclamation

## of the Mayor of the City of Newman

WHEREAS, In 1979, American Rotarians traveled to administer polio vaccines when thousands contracted polio in the Philippines – eventually eliminating the disease; and

WHEREAS, In 1985, Rotary International started a thirty-year program to eliminate polio from the world; and

WHEREAS, Rotary International has spent over \$1.3 billion dollars and has sent thousands of Rotarians around the world to administer polio vaccines in 122 countries; and

WHEREAS, Many groups have joined Rotary in this effort including the Gates Foundation, the World Health Organization, United Nations, and many other national and world organizations; and

WHEREAS, 4 billion persons have been immunized against polio; and

WHEREAS, As a result, polio has been eliminated from every country in the world except for Afghanistan and Pakistan; and

WHEREAS, 30 years ago, there were 350,000 annual victims of polio compared to 2015 where there have been only 36; and

WHEREAS, For 30 years, the Rotary Club of Newman has given major donations each year to end polio and ten years ago, in a three-year fund raising campaign, Newman Rotary raised \$21,000 (one of the top 3 clubs in per member giving) among all the 650 clubs in its zone; and

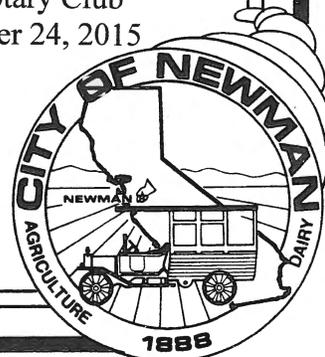
WHEREAS, Bill Gates has said: "There is an amazing organization that has been behind this success [of eliminating polio world-wide]...it was due to Rotary that started the campaign"; and

WHEREAS, The Rotary's unwavering generosity, volunteerism and compassion exemplifies and embodies their motto of "Service Above Self".

NOW, THEREFORE, I Robert Martina, Mayor, on behalf of the great City of Newman, salute Rotary International for its amazing success story and the Newman Rotary Club for its role in the fight against polio and do hereby proclaim Saturday, October 24, 2015 as World Polio Day in the City of Newman.

Dated the 8<sup>th</sup> day of September, 2015

Signed \_\_\_\_\_





## ACH Register for Council August 25, 2015

Vendor Name	Vendor No	Account No	Invoice No	Description	Amount	ACH Check	Check Date
SJVA	SJV01	10-00-2260	Sep-15	Health insurance premium/Sept 2015	\$ 14,466.13	TRUE	8/31/2015
				<b>\$14,466.13 Total</b>	<b>\$ 14,466.13</b>		
				<b>Grand Total</b>	<b>\$ 14,466.13</b>		



## Void Check Register September 02, 2015

Verndor No	Vendor Name	Account	Invoice	Description	Amount	Check Number
MEN9F	MENEZES SALES	10-44-6150	3033	Steel-toe boots/Singh	\$ 150.00	107910
MEN9F	MENEZES SALES	60-50-6150	3033	Steel-toe boots/Singh	\$ 50.00	107910
MEN9F	MENEZES SALES	10-44-6150	3030	Steel-toe boots/Sotelo	\$ 100.00	107910
MEN9F	MENEZES SALES	10-33-6150	3030	Steel-toe boots/Sotelo	\$ 50.00	107910
MEN9F	MENEZES SALES	69-47-6150	3030	Steel-toe boots/Sotelo	\$ 50.00	107910
					<b>\$ 400.00</b>	<b>107910 Total</b>
					<b>\$ 400.00</b>	<b>Grand Total</b>



## AP Check Register September 4, 2015

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
AT&T MOBILITY	10-02-6420	\$ 33.59	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	10-03-6420	\$ 40.31	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	10-06-6420	\$ 80.62	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	10-07-6420	\$ 21.89	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	10-14-6420	\$ 50.83	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	10-21-6420	\$ 549.39	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	10-22-6420	\$ 28.66	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	10-33-6420	\$ 42.93	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	10-44-6420	\$ 58.57	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	10-45-6420	\$ 67.18	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	22-20-6420	\$ 5.73	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	60-50-6420	\$ 324.08	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	63-56-6420	\$ 260.25	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
AT&T MOBILITY	69-47-6420	\$ 20.69	107957	9/4/2015	Cell phone use 7-6-15 to 8-05-15
		<b>\$ 1,584.72</b>	<b>107957 Total</b>		
AT&T	10-07-6665	\$ 17.50	107958	9/4/2015	Landlines 7-13 to 8-12-15
AT&T	10-14-6420	\$ 6.50	107958	9/4/2015	Analog line @ City Hall for fire alarm 7-13 to 8-12-15
AT&T	10-14-6420	\$ 53.02	107958	9/4/2015	Landlines 7-13 to 8-12-15
AT&T	10-21-6420	\$ 20.72	107958	9/4/2015	Landlines 7-13 to 8-12-15
AT&T	60-50-6420	\$ 6.50	107958	9/4/2015	Analog line @ City Hall for fire alarm 7-13 to 8-12-15
AT&T	60-50-6420	\$ 19.13	107958	9/4/2015	Landlines 7-13 to 8-12-15
AT&T	63-56-6420	\$ 6.51	107958	9/4/2015	Analog line @ City Hall for fire alarm 7-13 to 8-12-15
AT&T	63-56-6420	\$ 53.82	107958	9/4/2015	Landlines 7-13 to 8-12-15
		<b>\$ 183.70</b>	<b>107958 Total</b>		
AVID TRAFFIC SUPPLIES	10-33-6300	\$ 1,189.26	107959	9/4/2015	5 gals white oilbase street paint
		<b>\$ 1,189.26</b>	<b>107959 Total</b>		
BERTOLOTTI DISPOSAL	10-00-5080	\$ (11,611.98)	107960	9/4/2015	Franchise service/August 2015
BERTOLOTTI DISPOSAL	10-00-5730	\$ 15,759.12	107960	9/4/2015	Reclass street sweeping & Franchise fees/August 2015
BERTOLOTTI DISPOSAL	10-00-5733	\$ (4,147.14)	107960	9/4/2015	Street sweeping service/August 2015
BERTOLOTTI DISPOSAL	10-41-6200	\$ 62,207.05	107960	9/4/2015	Garbage contract service/August 2015
		<b>\$ 62,207.05</b>	<b>107960 Total</b>		
Bohannon Insurance Group	10-00-2260	\$ 852.30	107961	9/4/2015	Health insurance administration/August 2015
		<b>\$ 852.30</b>	<b>107961 Total</b>		
CARTER JEFF	68-68-7722	\$ 100.00	107962	9/4/2015	Parking lot rent/Sept 2015
		<b>\$ 100.00</b>	<b>107962 Total</b>		
CBA (CALIFORNIA BENEFITS)	10-00-1110	\$ 8,500.00	107963	9/4/2015	Pre-paid deposit for dental/vision benefits
		<b>\$ 8,500.00</b>	<b>107963 Total</b>		
CBA (ADMIN FEES)	10-00-2261	\$ 227.50	107964	9/4/2015	Dental-vision administration fees/Sept 2015



## AP Check Register September 4, 2015

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
		<b>\$ 227.50</b>	<b>107964 Total</b>		
Central Calif Irrigation District	63-56-6200	\$ 55.83	107965	9/4/2015	Assessment for watershed coalition
		<b>\$ 55.83</b>	<b>107965 Total</b>		
CENTRAL SANITARY SUPPLY	10-07-6300	\$ 8.30	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-07-6300	\$ 48.13	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-07-6665	\$ 4.15	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-07-6665	\$ 24.07	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-21-6300	\$ 8.30	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-21-6300	\$ 48.13	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-22-6300	\$ 4.15	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-22-6300	\$ 24.07	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-44-6300	\$ 4.15	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-44-6300	\$ 24.06	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-44-6660	\$ 33.20	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-44-6660	\$ 192.53	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-44-6670	\$ 16.60	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-44-6670	\$ 96.27	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-46-6300	\$ 4.15	107966	9/4/2015	
CENTRAL SANITARY SUPPLY	10-46-6300	\$ 24.07	107966	9/4/2015	
		<b>\$ 564.33</b>	<b>107966 Total</b>		
COELHO CARL J. (CHUCK)	10-22-6690	\$ 50.00	107967	9/4/2015	Parking lot rent/Sept 2015
		<b>\$ 50.00</b>	<b>107967 Total</b>		
Comcast	10-21-6420	\$ 148.65	107968	9/4/2015	High speed internet @ 245 N. 2nd Ave, Oakdale 8-21-15 to 9-20-15
Comcast	10-21-6420	\$ 128.59	107968	9/4/2015	High speed internet @ 245 N. 2nd Ave, Oakdale 8-21-15 to 9-20-15
		<b>\$ 277.24</b>	<b>107968 Total</b>		
CROP PRODUCTION SERVICES	60-50-6300	\$ 974.15	107969	9/4/2015	4 gals Activator/5 gals Glyphos Aquatic/10 glas Amine/30 gals Gly
		<b>\$ 974.15</b>	<b>107969 Total</b>		
E&M ELECTRIC, INC.	60-50-6225	\$ 120.00	107970	9/4/2015	Troubleshoot intermatic timer @ L Street lift station
E&M ELECTRIC, INC.	60-50-6225	\$ 161.74	107970	9/4/2015	350 volt APC backup 6 outlet @ L Street lift station
		<b>\$ 281.74</b>	<b>107970 Total</b>		
ENERGY SYSTEMS	63-56-6200	\$ 879.07	107971	9/4/2015	40 quarts oil/oil and fuel filter kit/Well #8
ENERGY SYSTEMS	63-56-6200	\$ 691.15	107971	9/4/2015	Element fuel filter/oil filter prine/oil filter by-pass/Well1R
		<b>\$ 1,570.22</b>	<b>107971 Total</b>		
ENVIRONMENTAL TECHNIQUES	60-50-6300	\$ 3,540.00	107972	9/4/2015	60 ProOxidizer tabs for aeration basin #1 @ WWTP
		<b>\$ 3,540.00</b>	<b>107972 Total</b>		
FERGUSON ENTERPRISES, INC 1423	63-56-6300	\$ 2,282.57	107973	9/4/2015	Water repair supplies
		<b>\$ 2,282.57</b>	<b>107973 Total</b>		
FIRST BAPTIST CHURCH	10-00-2841	\$ 10.00	107974	9/4/2015	Refund Pioneer Park deposit/First Baptist Church
		<b>\$ 10.00</b>	<b>107974 Total</b>		



## AP Check Register September 4, 2015

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
GARTON TRACTOR	60-50-6530	\$ 101.01	107975	9/4/2015	Fuel & oil filters for Ford tractor
GARTON TRACTOR	60-50-6530	\$ 220.63	107975	9/4/2015	Battery for backhoe with core deposit
GARTON TRACTOR	60-50-6530	\$ (32.29)	107975	9/4/2015	Battery core deposit refund
GARTON TRACTOR	60-50-6530	\$ 188.34	107975	9/4/2015	Battery for Ford tractor with core deposit
		<b>\$ 477.69</b>	<b>107975 Total</b>		
HD Supply Waterworks, Nationwide	63-56-6300	\$ 290.59	107976	9/4/2015	6 concrete meter boxes/6 concrete meter box lids
		<b>\$ 290.59</b>	<b>107976 Total</b>		
HOLLAND (NT) MICHAEL	10-02-6300	\$ 24.74	107977	9/4/2015	Reimbursement for new iPhone case/Holland
		<b>\$ 24.74</b>	<b>107977 Total</b>		
HOUSE STEPHANIE	10-45-6722	\$ 9.80	107978	9/4/2015	Reimbursement for supplies purchased for Healthy Choices event
		<b>\$ 9.80</b>	<b>107978 Total</b>		
HUB INTERNATIONAL OF CA I	10-00-2845	\$ 233.38	107979	9/4/2015	Event liability insurance premium/August 2015
		<b>\$ 233.38</b>	<b>107979 Total</b>		
IRRIGATION DESIGN & CONST	10-44-6300	\$ 9.01	107980	9/4/2015	Black pig skin gloves
IRRIGATION DESIGN & CONST	60-50-6300	\$ 3.00	107980	9/4/2015	Black pig skin gloves
IRRIGATION DESIGN & CONST	63-56-6300	\$ 976.90	107980	9/4/2015	Hose for Vac trailer/new Banjo fittings
		<b>\$ 988.91</b>	<b>107980 Total</b>		
JORGENSEN & COMPANY	60-50-6200	\$ 132.82	107981	9/4/2015	Annual maintenance/hydro testing & parts for fire exting @ WWTP
		<b>\$ 132.82</b>	<b>107981 Total</b>		
KAISER PERMANENTE	10-00-2260	\$ 3,983.20	107982	9/4/2015	Health insurance premium/Oct 2015
		<b>\$ 3,983.20</b>	<b>107982 Total</b>		
Krazan & Associates, Inc	24-32-7766	\$ 1,894.00	107983	9/4/2015	Compaction testing/concrete inspection/engineer review @ CNG sta
		<b>\$ 1,894.00</b>	<b>107983 Total</b>		
Madrigal Angelica	10-00-2840	\$ 300.00	107984	9/4/2015	Refund Memorial Bldg deposit/Madrigal
Madrigal Angelica	10-00-5510	\$ 500.00	107984	9/4/2015	Partial rent refund Memorial Bldg due to sewer issues/Madrigal
		<b>\$ 800.00</b>	<b>107984 Total</b>		
Menezes Louie	10-33-6150	\$ 50.00	107985	9/4/2015	Work boots/Sotelo
Menezes Louie	10-44-6150	\$ 150.00	107985	9/4/2015	Work boots/Singh
Menezes Louie	10-44-6150	\$ 100.00	107985	9/4/2015	Work boots/Sotelo
Menezes Louie	60-50-6150	\$ 50.00	107985	9/4/2015	Work boots/Singh
Menezes Louie	60-50-6150	\$ 200.00	107985	9/4/2015	Work boots/Vargas
Menezes Louie	63-56-6150	\$ 200.00	107985	9/4/2015	Work boots/Garza
Menezes Louie	63-56-6150	\$ 200.00	107985	9/4/2015	Work boots/Rocha
Menezes Louie	69-47-6150	\$ 50.00	107985	9/4/2015	Work boots/Sotelo
		<b>\$ 1,000.00</b>	<b>107985 Total</b>		
Newman Lions Club	10-00-2841	\$ 10.00	107986	9/4/2015	Refund Pioneer Park deposit/Newman Lions Club
		<b>\$ 10.00</b>	<b>107986 Total</b>		
NEWMAN ACE HARDWARE/JACT,	10-01-6644	\$ 18.91	107987	9/4/2015	Rubber mallet/hammer
NEWMAN ACE HARDWARE/JACT,	10-07-6300	\$ 15.58	107987	9/4/2015	Pvc cutter/
NEWMAN ACE HARDWARE/JACT,	10-21-6300	\$ 15.06	107987	9/4/2015	Pocket door pull & lock



## AP Check Register September 4, 2015

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
NEWMAN ACE HARDWARE/JACT,	10-21-6620	\$ 53.80	107987	9/4/2015	Propane tank
NEWMAN ACE HARDWARE/JACT,	10-22-6530	\$ 132.30	107987	9/4/2015	Claw hammer/adj wrench/channellock pliers/tool box
NEWMAN ACE HARDWARE/JACT,	10-33-6300	\$ 312.89	107987	9/4/2015	Edger/cleaning supplies/paint roller/weedblock/traffic marker bl
NEWMAN ACE HARDWARE/JACT,	10-44-6300	\$ 268.75	107987	9/4/2015	Cartridge filter/concrete patch/trimmer line/fuel can
NEWMAN ACE HARDWARE/JACT,	10-44-6660	\$ 14.01	107987	9/4/2015	clip grips/misc screws/nuts/fasteners
NEWMAN ACE HARDWARE/JACT,	10-46-6300	\$ 17.16	107987	9/4/2015	Stihl crews/hex nut/tommy screw
NEWMAN ACE HARDWARE/JACT,	60-50-6300	\$ 139.22	107987	9/4/2015	Fork/marketing paint/wasp & yellow jacket spray
NEWMAN ACE HARDWARE/JACT,	63-56-6300	\$ 75.20	107987	9/4/2015	Socket adapter/shovel/pvc primer
NEWMAN ACE HARDWARE/JACT,	68-68-6620	\$ 74.56	107987	9/4/2015	Cement/pvc primer/cable ties/halogen bulbs
NEWMAN ACE HARDWARE/JACT,	69-47-6300	\$ 158.39	107987	9/4/2015	Qwik coupling/adhesive
		<b>\$ 1,295.83</b>	<b>107987 Total</b>		
Nino's Auto Repair	63-56-6530	\$ 262.35	107988	9/4/2015	Oil change/fixd the light bar/cleaned mass air flow
		<b>\$ 262.35</b>	<b>107988 Total</b>		
NORMAC, INC.	69-47-6300	\$ 149.20	107989	9/4/2015	Misc sprinkler parts
		<b>\$ 149.20</b>	<b>107989 Total</b>		
PARDO DAN	10-33-6150	\$ 55.97	107990	9/4/2015	Work boot reimbursement/Pardo
PARDO DAN	10-44-6150	\$ 55.97	107990	9/4/2015	Work boot reimbursement/Pardo
PARDO DAN	69-47-6150	\$ 55.96	107990	9/4/2015	Work boot reimbursement/Pardo
		<b>\$ 167.90</b>	<b>107990 Total</b>		
P G & E	10-07-6410	\$ 2,475.71	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-07-6665	\$ 290.28	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-21-6510	\$ 2.64	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-22-6410	\$ 506.39	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-33-6410	\$ 5,955.33	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-33-6510	\$ 2.65	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-44-6410	\$ 1,233.24	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-44-6510	\$ 2.65	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-44-6660	\$ 691.70	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-44-6670	\$ 614.03	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-45-6410	\$ 411.39	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	10-46-6410	\$ 602.79	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	60-50-6410	\$ 19,843.02	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	60-50-6510	\$ 2.65	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	62-60-6411	\$ 337.34	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	62-60-6412	\$ 1,179.22	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	63-56-6410	\$ 17,667.01	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	63-56-6510	\$ 2.65	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
P G & E	69-47-6410	\$ 4,271.86	107991	9/4/2015	Gas and electric 7-16-15 to 8-16-15
		<b>\$ 56,092.55</b>	<b>107991 Total</b>		
PIONEER DRUG	63-56-6300	\$ 9.74	107992	9/4/2015	Supplies for well houses



## AP Check Register September 4, 2015

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
		<b>\$ 9.74</b>	<b>107992 Total</b>		
R-SAFE SPECIALTY	60-50-6300	\$ 15.07	107993	9/4/2015	Hard hat
R-SAFE SPECIALTY	63-56-6300	\$ 15.07	107993	9/4/2015	Hard hat
		<b>\$ 30.14</b>	<b>107993 Total</b>		
RALEY'S IN STORE CHARGE	10-14-6300	\$ 2.17	107994	9/4/2015	Sugar cubes/Coffee Mate/sweetner/city hall
RALEY'S IN STORE CHARGE	10-21-6690	\$ 54.85	107994	9/4/2015	Supplies for swearing in/Flores
RALEY'S IN STORE CHARGE	10-46-6300	\$ 10.53	107994	9/4/2015	Spoons/foam cups/corp yard
RALEY'S IN STORE CHARGE	10-46-6300	\$ 34.36	107994	9/4/2015	Coffee/foam cups/dish soap
RALEY'S IN STORE CHARGE	60-50-6300	\$ 2.17	107994	9/4/2015	Sugar cubes/Coffee Mate/sweetner/city hall
RALEY'S IN STORE CHARGE	63-56-6300	\$ 2.16	107994	9/4/2015	Sugar cubes/Coffee Mate/sweetner/city hall
		<b>\$ 106.24</b>	<b>107994 Total</b>		
ROCHA BACKHOE SERVICE, IN	10-33-6300	\$ 608.34	107995	9/4/2015	12.53 cold patch/13 tons concrete sand
ROCHA BACKHOE SERVICE, IN	60-50-6300	\$ 468.33	107995	9/4/2015	12.53 cold patch/13 tons concrete sand
ROCHA BACKHOE SERVICE, IN	63-56-6300	\$ 608.33	107995	9/4/2015	12.53 cold patch/13 tons concrete sand
		<b>\$ 1,685.00</b>	<b>107995 Total</b>		
JOCELYN ROLAND, Ph.D.	10-21-6235	\$ 425.00	107996	9/4/2015	Pre-employment psychological screening/Stice
		<b>\$ 425.00</b>	<b>107996 Total</b>		
SAFE-T-LITE	10-07-6300	\$ 7.78	107997	9/4/2015	10 Ultra-Cool lime vests with verbage on back
SAFE-T-LITE	10-33-6300	\$ 15.60	107997	9/4/2015	10 Ultra-Cool lime vests with verbage on back
SAFE-T-LITE	10-33-6300	\$ 40.84	107997	9/4/2015	Safety glasses
SAFE-T-LITE	10-44-6300	\$ 31.19	107997	9/4/2015	10 Ultra-Cool lime vests with verbage on back
SAFE-T-LITE	60-50-6300	\$ 38.99	107997	9/4/2015	10 Ultra-Cool lime vests with verbage on back
SAFE-T-LITE	63-56-6300	\$ 46.79	107997	9/4/2015	10 Ultra-Cool lime vests with verbage on back
SAFE-T-LITE	69-47-6300	\$ 15.60	107997	9/4/2015	10 Ultra-Cool lime vests with verbage on back
		<b>\$ 196.79</b>	<b>107997 Total</b>		
SOLECON, INC	60-50-6200	\$ 113.86	107998	9/4/2015	Service call for AC at office @ corp yard/replaced capacitor
SOLECON, INC	63-56-6200	\$ 113.86	107998	9/4/2015	Service call for AC at office @ corp yard/replaced capacitor
		<b>\$ 227.72</b>	<b>107998 Total</b>		
Stanislaus County Auditor-Controller	10-33-6510	\$ 107.87	107999	9/4/2015	Natural gas pumped @ Morgan Road facility/July 2015
Stanislaus County Auditor-Controller	10-44-6510	\$ 71.90	107999	9/4/2015	Natural gas pumped @ Morgan Road facility/July 2015
Stanislaus County Auditor-Controller	60-50-6510	\$ 35.95	107999	9/4/2015	Natural gas pumped @ Morgan Road facility/July 2015
Stanislaus County Auditor-Controller	63-56-6510	\$ 35.95	107999	9/4/2015	Natural gas pumped @ Morgan Road facility/July 2015
		<b>\$ 251.67</b>	<b>107999 Total</b>		
STANISLAUS COUNTY DEPT	10-00-2842	\$ 205.00	108000	9/4/2015	Bus ticket sales reimbursable/July-August 2015
		<b>\$ 205.00</b>	<b>108000 Total</b>		
STANTEC CONSULTING SERVICE, Inc	60-50-6200	\$ 3,438.00	108001	9/4/2015	Groundwater monitoring/well installation services thru 7-24-15
STANTEC CONSULTING SERVICE, Inc	60-50-6200	\$ 1,719.00	108001	9/4/2015	Groundwater monitoring/ 1st quarter report services thru 7-24-15
		<b>\$ 5,157.00</b>	<b>108001 Total</b>		
Storm Water Consulting, Inc	42-36-6201	\$ 2,712.50	108002	9/4/2015	Revised draft version Urban level of Flood Protection report
		<b>\$ 2,712.50</b>	<b>108002 Total</b>		



## AP Check Register September 4, 2015

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
STOMAR EQUIPMENT	60-50-6200	\$ 4,125.00	108003	9/4/2015	Cleaned City storm water ditch running through McPike/WWTP
		<b>\$ 4,125.00</b>	<b>108003 Total</b>		
TelePacific Communications	10-14-6420	\$ 105.08	108004	9/4/2015	Telephone service/Sept 2015 & long distance charges/Aug 2015
TelePacific Communications	10-21-6420	\$ 207.01	108004	9/4/2015	Telephone service/Sept 2015 & long distance charges/Aug 2015
TelePacific Communications	10-45-6420	\$ 105.08	108004	9/4/2015	Telephone service/Sept 2015 & long distance charges/Aug 2015
TelePacific Communications	60-50-6420	\$ 105.07	108004	9/4/2015	Telephone service/Sept 2015 & long distance charges/Aug 2015
TelePacific Communications	63-56-6420	\$ 105.07	108004	9/4/2015	Telephone service/Sept 2015 & long distance charges/Aug 2015
		<b>\$ 627.31</b>	<b>108004 Total</b>		
T.H.E. OFFICE CITY	10-07-6300	\$ 35.90	108005	9/4/2015	Gel wrist rest/mousepad/lanyards
T.H.E. OFFICE CITY	10-07-6300	\$ 13.40	108005	9/4/2015	1 pak lanyards
T.H.E. OFFICE CITY	10-07-6300	\$ (20.08)	108005	9/4/2015	2 paks lanyards returned
T.H.E. OFFICE CITY	10-14-6300	\$ 9.50	108005	9/4/2015	Credit cars thermal paper rolls
T.H.E. OFFICE CITY	10-14-6300	\$ 11.91	108005	9/4/2015	Binder clips/perforated paper
T.H.E. OFFICE CITY	10-14-6300	\$ 7.89	108005	9/4/2015	Perforated paper
T.H.E. OFFICE CITY	10-14-6300	\$ (8.90)	108005	9/4/2015	Returned credit card paper rolls
T.H.E. OFFICE CITY	10-33-6300	\$ 79.37	108005	9/4/2015	4 HP toners
T.H.E. OFFICE CITY	10-44-6300	\$ 79.36	108005	9/4/2015	4 HP toners
T.H.E. OFFICE CITY	60-50-6300	\$ 35.91	108005	9/4/2015	Gel wrist rest/mousepad/lanyards
T.H.E. OFFICE CITY	60-50-6300	\$ 7.36	108005	9/4/2015	11X17 copy paper
T.H.E. OFFICE CITY	60-50-6300	\$ 13.40	108005	9/4/2015	1 pak lanyards
T.H.E. OFFICE CITY	60-50-6300	\$ 9.50	108005	9/4/2015	Credit cars thermal paper rolls
T.H.E. OFFICE CITY	60-50-6300	\$ 11.91	108005	9/4/2015	Binder clips/perforated paper
T.H.E. OFFICE CITY	60-50-6300	\$ 7.89	108005	9/4/2015	Perforated paper
T.H.E. OFFICE CITY	60-50-6300	\$ 79.36	108005	9/4/2015	4 HP toners
T.H.E. OFFICE CITY	60-50-6300	\$ (20.08)	108005	9/4/2015	2 paks lanyards returned
T.H.E. OFFICE CITY	60-50-6300	\$ (8.91)	108005	9/4/2015	Returned credit card paper rolls
T.H.E. OFFICE CITY	63-56-6300	\$ 35.91	108005	9/4/2015	Gel wrist rest/mousepad/lanyards
T.H.E. OFFICE CITY	63-56-6300	\$ 7.37	108005	9/4/2015	11X17 copy paper
T.H.E. OFFICE CITY	63-56-6300	\$ 13.40	108005	9/4/2015	1 pak lanyards
T.H.E. OFFICE CITY	63-56-6300	\$ 9.51	108005	9/4/2015	Credit cars thermal paper rolls
T.H.E. OFFICE CITY	63-56-6300	\$ 11.91	108005	9/4/2015	Binder clips/perforated paper
T.H.E. OFFICE CITY	63-56-6300	\$ 7.88	108005	9/4/2015	Perforated paper
T.H.E. OFFICE CITY	63-56-6300	\$ 79.36	108005	9/4/2015	4 HP toners
T.H.E. OFFICE CITY	63-56-6300	\$ (20.09)	108005	9/4/2015	2 paks lanyards returned
T.H.E. OFFICE CITY	63-56-6300	\$ (8.91)	108005	9/4/2015	Returned credit card paper rolls
		<b>\$ 481.03</b>	<b>108005 Total</b>		
TOSTA BARBARA J.	10-45-6725	\$ 180.00	108006	9/4/2015	Young at heart instructor/August 2015



## AP Check Register September 4, 2015

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
		<b>\$ 180.00</b>	<b>108006 Total</b>		
Turlock Journal	10-21-6600	\$ 75.15	108007	9/4/2015	Classified Display ad/police officer
		<b>\$ 75.15</b>	<b>108007 Total</b>		
LUNA VALERIA & JESUS	63-00-2010	\$ 150.00	108008	9/4/2015	Refund Check
		<b>\$ 150.00</b>	<b>108008 Total</b>		
SILVEIRA JR. JOE	63-00-2010	\$ 440.14	108009	9/4/2015	Refund Check
		<b>\$ 440.14</b>	<b>108009 Total</b>		
WIMBERLY EUGENE	63-00-2010	\$ 30.77	108010	9/4/2015	Refund Check
		<b>\$ 30.77</b>	<b>108010 Total</b>		
VALLEY PARTS SERVICE	10-21-6530	\$ 148.86	108011	9/4/2015	Battery
VALLEY PARTS SERVICE	10-33-6530	\$ 20.19	108011	9/4/2015	Mobile oil quarts
VALLEY PARTS SERVICE	60-50-6530	\$ 128.32	108011	9/4/2015	3 quarts oil/Fuel & air filters/grease for vac trailer
VALLEY PARTS SERVICE	63-56-6530	\$ 6.07	108011	9/4/2015	Power steering fluid
VALLEY PARTS SERVICE	69-47-6530	\$ 4.46	108011	9/4/2015	2 Napa oil quarts
		<b>\$ 307.90</b>	<b>108011 Total</b>		
VARGAS GEORGE	10-22-6690	\$ 50.00	108012	9/4/2015	Monthly Fire stipend/Sept 2015
		<b>\$ 50.00</b>	<b>108012 Total</b>		
Verizon Wireless	10-21-6420	\$ 342.09	108013	9/4/2015	Broadband mobile services 8-19-15 to 9-18-15/PD
		<b>\$ 342.09</b>	<b>108013 Total</b>		
Wreco	18-32-7739	\$ 3,804.59	108014	9/4/2015	Hwy 33 & Inyo Ave federal project STPL-5172/July 2015
		<b>\$ 3,804.59</b>	<b>108014 Total</b>		
		<b>\$ 173,884.35</b>	<b>Grand Total</b>		



**MINUTES**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING AUGUST 25, 2015**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order** - Mayor Pro Tem Martina 7:01 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Mayor Pro Tem Martina.
4. **Roll Call - PRESENT:** Davis, Graham, Candea And Mayor Pro Tem Martina.  
**ABSENT:** None.
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters** - None.
7. **Items from the Public - Non-Agenda Items** - None.
8. **Consent Calendar**
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants.
  - c. Approval Of Minutes Of The August 11, 2015 Meeting.
  - d. Adopt Resolution No. 2015-47, A Resolution Approving The Filing Of The Final Map For Mattos Ranch.

**ACTION:** On A Motion By Candea Seconded By Davis, The Consent Calendar Was Approved By The Following Vote: AYES: Davis, Graham, Candea And Mayor Pro Tem Martina; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

**9. Public Hearings**

- a. Adopt Resolution No. 2015-48, A Resolution Approving A 20-Year Solar Power Purchase Agreement With SolarCity Corporation And Authorizing The City Manager To Execute The Agreement And Associated Documents.

Mayor Pro Tem Martina Opened The Public Hearing At 7:06 P.M.

Council Member Graham Asked If The City Was Leasing The Equipment.

Finance Director Humphries Replied That The City Was Not Leasing The Equipment, Only Buying The Power Generated By The Solar System.

Council Member Graham Asked If There Were Any Concerns About SolarCity's Long-Term Viability As Their Stock Prices Had Recently Fallen.

Michael Carpol, SolarCity, Noted That This Project, Like Others, Is Financed And Even If SolarCity Was To Go Out Of Business There Is Financing That Would Continue to Maintain The System.

Mayor Pro Tem Martina Questioned The Large Variance Of Projected Savings In The Staff Report.

Finance Director Humphries Indicated That The Savings Varied Depending On Actual Generation And PG&E Rate Increases.

Alex Durbala, 749 Black Mountain Lane, Questioned If The Rates The City Used Were From Solar City Or PG&E.

Finance Director Humphries Stated That The Rates Were Obtained From The PG&E Website.

Alex Durbala, Asked For A Copy Of Those Rates.

There Being No Further Public Comment, Mayor Pro Tem Martina Closed The Public Hearing At 7:14 P.M.

**ACTION:** On Motion By Graham Seconded By Davis, Resolution No. 2015-48, A Resolution Approving A 20-Year Solar Power Purchase Agreement With SolarCity Corporation And Authorizing The City Manager To Execute The Agreement And Associated Documents, Was Adopted By The Following Vote: AYES: Davis, Graham, Candea And Mayor Pro Tem Martina ; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

## **10. Regular Business**

- a. Adopt Resolution No. 2015- 49, A Resolution Appointing The Mayor Of The City For The Remaining Unexpired Mayoral Term Through November 2016, Pursuant To Government Code Sections 1752 And 36512(b), And Requesting That City Staff Issue A Public Notice Of A City Council Vacancy.

**ACTION:** On Motion By Candea Seconded By Graham, Resolution No. 2015-49, A Resolution Appointing Robert Martina As Mayor Of The City For The Remaining Unexpired Mayoral Term Through November 2016, Pursuant To Government Code Sections 1752 And 36512(b), And Requesting That City Staff Issue A Public Notice Of A City Council Vacancy, Was Adopted By The Following Vote: AYES: Davis, Graham, Candea And Mayor Martina ; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

- b. Adopt Resolution No. 2015-50, A Resolution Adopting The Urban Level Of Flood Protection Summary Report In Order For The City To Comply With The SB5 Requirements.

Mayor Martina Asked About The City's Current Flood Protection.

Public Works Director Kim Noted That Currently The City's System Could Handle A One-Hundred Year Storm Event.

Council Member Graham Asked About Storm Drain Cleaning And Stated That The Drain Near His Residence Has Had Debris In It For The Past Five Years.

Public Works Director Kim Noted That The City's System Was Designed For A Ten Year Flood Event But Mentioned That Some Parks Were Designed To Store Water As A Backup System, Which Can Handle Up To A One-Hundred Year Event.

Council Member Graham Asked Specifically About The Cleaning Of The Storm Drains.

Public Works Director Kim Noted That The Public Works Department Is Currently Following A Cleaning Schedule/Program For The Cleaning Of The Storm Drains.

**ACTION:** On Motion By Graham Seconded By Candea, Resolution No. 2015-50, A Resolution Adopting The Urban Level Of Flood Protection Summary Report In Order For The City To Comply With The SB5 Requirements, Was Adopted By The Following Vote: AYES: Davis, Graham, Candea And Mayor Martina; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

- c. Adopt Resolution No. 2015-51, A Resolution Adopting A New Job Description And Salary Range For Fire Chief.

**ACTION:** On Motion By Graham Seconded By Davis, Resolution No. 2015-51, A Resolution Adopting A New Job Description And Salary Range For Fire Chief, Was Adopted By The Following Vote: AYES: Davis, Graham, Candea And Mayor Martina; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

### **11. Items From District Five Stanislaus County Supervisor.**

Supervisor DeMartini Congratulated Mayor Martina On His Appointment To The Mayor's Position. DeMartini Thanked The City For Hosting the West Side Healthcare Taskforce Health Summit. He Noted That The City Had Requested An Orestimba Creek Meeting And Indicated That The Meeting Would Be Held On August 27<sup>th</sup> At 1:30 PM In Modesto. DeMartini Noted That They Would Be Discussing The Condition Of the Creek And The Potential Large Storms Being Predicted For The Upcoming Rainy Season.

Mayor Martina Inquired About The Popularity Of The Mobile Health Clinic During The Health Summit.

DeMartini Stated That It Seemed To Generate A Lot Of Interest.

### **12. Items From The City Manager And Staff.**

City Manager Holland Reported That Chief Hall Was Leaving The West Stanislaus Fire Protection District. He Asked The Council To Consider Adding Another Member To The Public Safety Committee To Replace Mayor Katen As The City Gears Up To Hire A New Fire Division Chief. Holland Acknowledged That He Had Requested The Orestimba Creek Meeting As He Wants To See Preventative Maintenance Done In Anticipation Of A Potentially Wet El Niño Year. He Mentioned That The City Representatives Had Met With Stanislaus County CEO Risen And Supervisor DeMartini Regarding The County Making A Donation To The City's Community Pool Efforts. Holland Concluded By Congratulating Mayor Martina.

Public Works Director Kim Reminded Everyone That the Next South County Corridor Meeting Would Be Held In Newman On September 3<sup>rd</sup>.

Finance Director Humphries Reported That The New Pin And Chip Credit Card Machines Had Been Installed Allowing Residents To Pay Their Utilities With Chip Cards, Apple And Google Pay. Humphries Mentioned That The City's Auditors Would Again Be Onsite At The Beginning Of September.

City Planner Ocasio Noted That The City Had Received Two Bids For The Skate Plaza Project And That The New Bids Were Lower Than The Initial Bid Received In May. Ocasio Mentioned That The Skate Plaza Bid Award Should Be Before The Council Sometime In September.

### **13. Items From City Council Members.**

Council Member Davis Congratulated Mayor Martina.

Council Member Graham Congratulated Mayor Martina And Encouraged Citizens To Apply For The City Council Vacancy.

Council Member Candea Congratulated Mayor Martina And Stated That It Was Well Deserved.

Mayor Martina Thanked The Council For Their Support And Stated That He Would Do His Best To Represent Them And That He Looked Forward To Working With Them As A Team For The Betterment Of The City.

#### **14. Adjournment**

**ACTION:** On Motion By Candea Seconded By Graham And Unanimously Carried, The Meeting Was Adjourned At 7:52 P.M.



**City of Newman  
City Clerk's Office  
Memorandum**

**Date: September 1, 2015  
To: City Council  
From: Mike Maier**

**Subject: Rejection Of Claim**

On August 17, 2015 a claim against the City of Newman was filed by State Farm Insurance as subrogee of Carlos Delgado. Based upon the recommendation of the City's liability claims adjuster, staff recommends the Council reject said claim. Copies of the report from our liability claims adjuster, the proposed resolution rejecting the claim and the claim submitted by State Farm Insurance are all attached.

It is important that this resolution be adopted soon in order to meet time limit requirements; a claim must be allowed or rejected within forty-five (45) days of its presentation. Adherence to this forty-five (45) day rule is important because it triggers the time within which the claimant must legally file any lawsuit arising from the incident. If the City fails to reject the claim within the forty-five (45) day period, the claimant has two (2) years to file suit, essentially extending the period of vulnerability for the City from six (6) months to (2) two years.

Any discussions of the claim must be done in closed session as potential litigation/liability claims.



September 1, 2015

Mike Maier  
CITY OF NEWMAN  
1162 Main Street  
Newman, CA 95360

### **FIRST REPORT**

RE: Insured : City of Newman  
Claimant : State Farm Ins. a/s/o Carlos Delgado  
Claim No. : 16,122  
Date of Loss : July 9, 2015  
Our File No. : FR96356

### **ASSIGNMENT & COVERAGE**

We received this new claim in our Fresno office on August 17, 2015. Our assignment was to investigate the matter on behalf of the City of Newman to determine their liability exposure.

Coverage appeared to be in order for the subject claim.

### **GOVERNMENT CODE REQUIREMENTS**

On August 17, 2015 the city acknowledged receipt of a new Claim Form filed by State Farm Insurance as subrogee of Carlos Delgado.

Per our review of the Claim Form, it appeared as if the claim was filed timely as well as sufficiently.

After review and consideration, it would be our recommendation to consider the claim for rejection. If/when rejected, please provide us with a copy.

### **FACTS OF THE CLAIM**

According to the property damage subrogation claim filed by State Farm, a branch from a city tree fell on their insured's vehicle causing damage. The incident occurred on July 9, 2015 on Main Street. State Farm alleged that the tree branch fell because of the city's lack of care. State Farm, as subrogee of Carlos Delgado, was seeking \$3,098.74 in damages from the city. The amount included their insured's \$500.00 deductible.

RE: City of Newman  
State Farm Ins. a/s/o Carlos Delgado  
September 1, 2015  
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### **POLICE REPORT**

We received and reviewed a copy of the City of Newman Police Report, case number NP15000739. According to the Report, on July 9, 2015 between 1332 and 1400 hours, a tree branch fell on a parked occupied vehicle. The incident took place at 1309 Main Street. The reporting party, Cynthia Caetano, advised that she was getting ready to leave work when a tree branch fell and damaged her vehicle. Caetano stated that she was inside the vehicle when the branch fell on her vehicle. However, she was not injured and she denied medical attention. She advised that she was the owner of the subject vehicle which was a black 2012 Chevy Cruze. The officer contacted the City of Newman Public Works and they responded to the location. The officer took scene photographs which were attached to the Report.

### **INVESTIGATION**

According to the City's Public Works Superintendent, Perfecto Millan the subject tree was a city tree. It was a Bradford Pear. The city was responsible for maintaining the tree, which included trimming and watering. The tree was severely trimmed in early 2013 by a certified arborist (Westside Landscape). The trimming reduced the volume of the tree. The tree appeared to be healthy with no signs of disease. However, once the tree limb fell, the city noticed that the tree had some type of disease. Consequently, the city removed the tree completely. Perfecto was unaware of any previous limb failure with regard to the subject tree.

In terms of prior notice, the city located two prior Work Orders with regard to the subject tree. The first Work Order was generated on April 21, 2015. The caller reported that there were overgrown limbs and brush in the tree in front of 1305 Main Street. The work to be done was to remove tree limbs away from the buildings (Rabo Bank and J's Style). According to our discussion with Perfecto, the subject tree was trimmed on April 21, 2015 along with another tree next to the subject tree, pursuant to the Work Order.

On June 23, 2015, David Keller of Keller Real Estate requested that the trees be trimmed to a smaller size in front of the Knights of Pythias building because they wanted to paint the building. According to Perfecto, the City Manager, Michael Holland advised that the trees could not be trimmed down to a smaller size because they would not look uniform with the other trees along Main Street. Nevertheless, a Work Order was generated by Terry Barques in Public Works. The tree was assessed at that time and Public Works did not feel that the trees needed to be trimmed, plus there was plenty of room between the trees and the building for the painters to paint the Knight of Pythias building. Therefore, no additional trimming was done at that time.

Perfecto also advised that the Knights of Pythias building compromised of about 3 businesses from 1305 to 1309 Main Street.

RE: City of Newman  
State Farm Ins. a/s/o Carlos Delgado  
September 1, 2015  
Page 3

**REMARKS**

In summary, we found no evidence of negligence and/or liability on the part of the City of Newman based upon the lack of foreseeability and the fact that the subject tree was trimmed just a few months before the date of loss. Based upon our investigation, the limb failure was a natural and unforeseeable event caused by the forces of nature that no one had any control over. Therefore, it would be our recommendation that we (AIMS) provide State Farm with a denial letter outlining the findings of our investigation. A copy of which would be provided to the city. Keep in mind, that our denial letter would be in addition to the rejection notice provided by the city, should the city consider the claim for rejection.

If the city disagrees with our recommendation, please let us know.

**DIARY**

We have advanced our diary 60 days.

However, should the city receive any additional correspondence in the interim, please advise.

Sincerely,

*Suzanne E. Johnson*  
AIMS Claims Specialist

**RESOLUTION NO. 2015-**

**A RESOLUTION REJECTING THE CLAIM OF STATE FARM INSURANCE AS  
SUBROGEE OF CARLOS DELGADO**

WHEREAS, a claim for damages in an amount within the Superior Court jurisdiction was filed against the City of Newman by State Farm Insurance as Subrogee of Carlos Delgado, on August 17, 2015 for alleged damages.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that it hereby rejects the said claim for alleged damages in an amount within the Superior Court jurisdiction against the City of Newman for alleged damages.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8<sup>th</sup> day of September, 2015, by Council Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

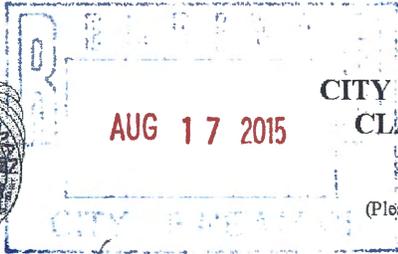
AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



CITY OF NEWMAN CLAIM FORM FORM B

(Please Type Or Print)

Boreumit 55-68817558

CLAIM AGAINST City of Newman - Public Works Dept/Road- (Name of Entity)

Claimant's name: State Farm Ins #1810 Carlos Delgado

SS#: DOB: Gender: Male X Female

Claimant's address: PO Box 106172 Atlanta GA 30348

Address where notices about claim are to be sent, if different from above: Same -

Date of incident/accident: 7/9/2015 @ 1:30pm

Date injuries, damages, or losses were discovered: 7/9/2015

Location of incident/accident: Main St - Post office + Bank Park lot

What did entity or employee do to cause this loss, damage, or injury? Due to your lack of care of trees on your roadways A Branch fell + hit our insureds vehicle causing damage-

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?

What specific injuries, damages, or losses did claimant receive?

2012 Chevy Cruze - Dr side / windshield, Driver Front area

What amount of money is claimant seeking or, if the amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]

\$3098.74

How was this amount calculated (please itemize)?

Estimate attached

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 8/12/15 Signature: Susan Jacobus State Farm #1810

If signed by representative: Carlos Delgado

Representative's Name Susan Jacobus Address PO Box 106172 Atlanta GA

Telephone # 877-457-8276 ex 60 30348

Relationship to Claimant State Farm Claim Associate -

August 12, 2015

City Clerk Of Newman  
Atten Risk Management  
938 Fresno St  
Newman CA 95360-1302

State Farm Claims  
PO Box 106172  
Atlanta GA 30348-6172

**Certified Mail - Return Receipt Requested**

RE: Claim Number: 55-688N-558  
Our Insured: Carlos Delgado  
Date of Loss: July 09, 2015  
Your Insured: City Clerk Of Newman Atten Risk Management  
Your Insured Driver: City Clerk Of Newman Atten Risk Management  
Loss Location: Main Street, Newman, CA

To Whom It May Concern:

Facts of Loss:

DUE TO YOUR LACK OF CARE OF YOUR TREES AND ROAD WAY, OUR INSUREDS VEHICLE WAS HIT BY A BRANCH THAT FELL ONTO OUR INSUREDS VEHICLE CAUSING DAMAGE.

It is our understanding that you are self insured. Our investigation indicates you are responsible for this claim. Therefore, we are seeking recovery from you. This letter is to notify you of our subrogation claim and request your cooperation in settling this matter.

To assist you in your review, here is a breakdown of the amounts State Farm<sup>®</sup> paid by Cause of Loss:

041/045 - Uninsured Motorist BI	\$0
042 - Uninsured Motorist PD	\$0
300 series/400 - Comp/Collision	\$2598.74
501 - Rental/Loss of Use	\$0
600-050 - Med Pay/PIP	\$0
Other	\$0
Salvage Recovery	\$0
Amount State Farm Paid	\$2,598.74
Insured Deductible	\$500.00
Total Claim Amount	\$3,098.74

Based on the assessment of liability between the parties, State Farm Mutual Automobile Insurance Company is seeking 100% of the Total Claim Amount listed above. The amount payable to State Farm Mutual Automobile Insurance Company for this loss is \$3,098.74.

55-688N-558  
Page 2  
August 12, 2015

Please remit payment of this claim and include our claim number on the payment. If you have any questions or need additional information, please call me at the number listed below. If I am not available, any other member of my team may assist you. Thank you for your cooperation.

In order to assist you in evaluating and processing the subrogation claim we are asserting, we may provide nonpublic personal information about our customer. We are sharing this information to effect, administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provided for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Jacobus", with a stylized flourish at the end.

Susan Jacobus  
Claim Associate  
(877) 457-8276 Ext. 60  
Fax: (866) 231-9276

State Farm Mutual Automobile Insurance Company

Enclosure



RBZ00070

State Farm Mutual Automobile Insurance Company

# Auto Payments by Participant/COL

Route To: Susan Jacobus

## BASIC CLAIM INFORMATION

Claim Number: 55-688N-558  
Date of Loss: 07-09-2015  
Policy Number: 2959-610-55B  
Named Insured: DELGADO, CARLOS

## Named Insured(s) / 390 - COMP

C denotes consolidated payment  
E denotes EFT payment  
P previously converted payment from CAT/CMR

<u>Payment Number</u>	<u>Issued Date</u>	<u>Payee</u>	<u>Payable COL</u>	<u>Pay Cd</u>	<u>Status</u>	<u>Amount</u>	<u>Auth ID</u>	<u>Rsn Cd</u>
112048057J	07-24-2015	J & J AUTO BODY	390	1	Paid	\$2,598.74	ECSAPY	
<b>Total:</b>						\$2,598.74		

J & J AUTO BODY  
355 5TH ST  
GUSTINE, CA 95322  
PHONE: (209) 854-6040

\*\*\* SUPPLEMENT 1 \*\*\*

S1 07/13/2015 01:52 PM  
07/23/2015 02:48 PM

Owner

Owner: CARLOS DELGADO  
Address: 711 LEE AVE  
City State Zip: NEWMAN, CA 95360-1112  
Cell: (209)410-2316  
Home/Evening: (209)410-2316

Control Information

Claim # : 55-688N-55801  
Loss Date/Time: 07/09/2015 05:00 AM  
Deductible: \$500.00  
Ins. Company: State Farm  
Insured: CARLOS DELGADO  
Address:  
Claim Rep: Erin McHenry  
Address:  
Insured Policy # :  
Loss Type: Comprehensive  
Cell: (209)410-2316  
Home/Evening: (209)410-2316  
Work/Day: (844)292-8615x6616635527

Inspection

Inspection Date: 07/13/2015 01:49 PM  
Inspection Location: J & J AUTO BODY  
Address: 355 5TH ST  
City State Zip: GUSTINE, CA 95322-1126  
Primary Impact: Hood  
Driveable: No  
Inspection Type: Select Service  
Contact:  
Home/Day: (209)854-6040  
Secondary Impact: Left Front Side  
Rental Assisted:  
Assigned Date/Time:  
First Contact Date/Time:  
Appraiser Name: JOE FARIAS  
Orig Appraiser Name: JOE FARIAS  
Received Date/Time: 07/10/2015 02:58 PM  
Appointment Date/Time: 07/10/2015 05:00 AM  
Appraiser License # :  
Appraiser License # :

Repairer

Repairer: J&J AUTO BODY  
Address: 355 5TH ST  
City State Zip: Gustine, CA 95322  
Email: jandjautobody6040@yahoo.com  
Contact:  
Work/Day: (209)854-6040  
FAX: (209)854-6040  
Work/Day:  
Repair Start Date/Time: 07/13/2015 02:24 PM  
Repair Complete Date/Time: 07/22/2015 02:47 PM  
Target Complete Date/Time: 07/22/2015 02:24 PM  
Vehicle Drop Off Date/Time: 07/09/2015 05:50 PM  
Vehicle Pick Up Date/Time: 07/24/2015 09:10 AM  
Days To Repair: 7

Vehicle

2012 Chevrolet Cruze LT 1FL 4 DR Sedan  
 4cyl Gasoline Turbo 1.4  
 6-Speed Automatic

**Lic.Plate:** 6PLW172  
**Lic Expire:** 08/2015  
**Prod Date:** 08/2011  
**Veh Insp# :**  
**Condition:** Good  
**Ext. Color:** BLACK PRL  
**Ext. Refinish:** Two-Stage UserDefined  
**Ext. Paint Code:** 04Y

**Lic State:** CA  
**VIN:** 1G1PF5SC7C7125695  
**Mileage:** 70,481  
**Mileage Type:** Actual  
**Code:** U2373B  
**Int. Color:**  
**Int. Refinish:** Two-Stage  
**Int. Trim Code:**

**Options**

2nd Row Head Airbags	AM/FM CD Player	Air Conditioning
Alarm System	Aluminum/Alloy Wheels	Anti-Lock Brakes
Auto Headlamp Control	Bucket Seats	Center Console
Daytime Running Lights	Dual Airbags	Emergency S.O.S. System
Halogen Headlights	Head Airbags	Intermittent Wipers
Keyless Entry System	Knee Air Bags	Leather Steering Wheel
Lighted Entry System	MP3 Decoder	Power Brakes
Power Door Locks	Power Mirrors	Power Steering
Power Windows	Rear Side Airbags	Rear Window Defroster
Rem Trunk-L/Gate Release	Side Airbags	Split Folding Rear Seat
Stability Cntrl Suspensn	Tachometer	Theft Deterrent System
Tilt & Telescopic Steer	Tinted Glass	Tire Pressure Monitor
Traction Control System	Trip Computer	Velour/Cloth Seats

**Damages**

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
<b>Front Body And Windshield</b>										
1	E	83	46	Panel,Hood	95461566 GM Part	\$295.00			1.2	SM
2	L	83	13	Panel,Hood	Refinish			S1	5.1	RF
					2.7 Surface					
					1.1 Edge					
					0.6 Two-stage setup					
					0.7 Two-stage					
3	E	103	46	Fender,Front LT	95092194 GM Part	\$179.00			3.0	SM
4	L	103		Fender,Front LT	Refinish			S1	2.9	RF
					1.9 Surface					
					0.5 Edge					
					0.5 Two-stage					
5	UE	143		Windshield,Shaded	Replace OE Surplus	\$317.00*			3.0	SM
<b>Front Doors</b>										
6	BR	207		Door Shell,Front LT	Blend Refinish			S1	1.2	RF
					0.8 Blend					
					0.4 Two-stage					
7	RI	407		W/Strip,Belt Outer LT	R & I Assembly				0.3	SM
8	RI	1019		Motor,Mirror LT	R & I Assembly				0.2	SM
9	E	261		Cover,Frt Door Mirror LT	95215106 GM Part	\$58.70			0.1	SM
10	L	261		Cover,Frt Door Mirror LT	Refinish			S1	0.6	RF
					0.5 Surface					
					0.1 Two-stage					

11 RI 470 Handle,Front Door Otr LT R & I Assembly 0.2 SM

**Quarter And Rocker Panel**

12 IT 625 07 Pillar,Windshield LT Partial Repair 5.0\* SM  
 13 L 625 Pillar,Windshield LT Refinish S1 0.6 RF  
 0.5 Surface  
 0.1 Two-stage

**Rear Body, Lamps And Floor Pan**

14 RI 533 Taillamp Assembly,Otr LT R & I Assembly 0.3 SM

**Manual Entries**

15 TE M17 Cover Car Exterior Partial Replace Price \$3.00\* RF  
 >> FOR OVERSPRAY  
 16 TE M60 Hazardous Waste Removal Partial Replace Price \$3.00\* SM  
 16 Items

**MC Message**

07 STRUCTURAL PART AS IDENTIFIED BY I-CAR  
 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE  
 46 PRINTABLE ALTERNATE PARTS COMPARE

**Estimate Total & Entries**

Gross Parts \$538.70  
 OE Surplus Parts \$317.00  
 Paint & Materials 10.4 Hours @ \$37.00 \$384.80  
 Parts & Material Total \$1,240.50  
 Tax on Parts & Material @ 8.000% \$99.24

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$70.00	8.3	5.0	13.3	\$931.00
Mech/Elec (ME)	\$70.00				
Frame (FR)	\$70.00				
Refinish (RF)	\$70.00	10.4		10.4	\$728.00

Labor Total 23.7 Hours \$1,659.00  
 Towing \$100.00  
**Gross Total \$3,098.74**  
 Less: Deductible \$500.00-  
**Net Total \$2,598.74**  
 Actual Supplement Total \$-175.94  
 Less: Previous Net Total \$2,774.68-  
**Net Supplement Total (Final Bill) \$-175.94**



For more information regarding State Farm's promise of satisfaction relating to new non-original equipment manufacturer (non-OEM) and recycled parts, please visit: <http://st8.fm/7X4> or QR code.

Register online to check the status of your claim and stay connected with State Farm®. To register, go to [statefarm.com](http://statefarm.com) and select Check the Status of a Claim. If you are already registered, thank you!

Alternate Parts Y/00/00/00/00/00 CUM 02/00/00/02/02 Zip Code: 95322 Geo 95322

Audatex Estimating 7.0.533 S1 07/24/2015 09:11 AM REL 7.0.533 DT 07/01/2015 DB 07/15/2015  
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**2.4 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.**

"NOTICE - REPAIRS TO THIS VEHICLE MAY REQUIRE SPECIFIC  
WELDING EQUIPMENT AS RECOMMENDED BY THE MANUFACTURER"  
THIS IS NOT AN AUTHORIZATION TO REPAIR. ALL SUPPLEMENTS REQUIRE PRIOR APPROVAL  
BY A STATE FARM CLAIM REPRESENTATIVE.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY  
A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. ANY WARRANTIES  
APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR  
DISTRIBUTOR OF THE PARTS, RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR  
VEHICLE.

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS  
FORM: ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE  
PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND  
CONFINEMENT IN STATE PRISON. FALSE REPRESENTATIONS MADE ON A SIGNED AUTO  
THEFT CLAIM FORM SUBJECTS THE INSURED TO A PENALTY OF PERJURY.

PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 10, CHAPTER 5, SUBCHAPTER  
7.5, SECTION 2695.8 THE INSURER WARRANTS THAT ANY NON-ORIGINAL EQUIPMENT  
MANUFACTURER PARTS SPECIFIED IN THIS ESTIMATE ARE AT LEAST EQUAL TO THE  
ORIGINAL EQUIPMENT MANUFACTURER PARTS IN TERMS OF KIND, QUALITY, SAFETY, FIT,  
AND PERFORMANCE.

#### Op Codes

* = User-Entered Value	E = New Part	NG = Replace NAGS
EC = ** NON-OEM PART	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = ** NON-OEM PART	EU = RECYCLED PART
TE = Partial Replace Price	PM = REMAN/REBUILT PART	UM = REMAN/REBUILT PART
L = Refinish	PC = RECOND PART	UC = RECOND PART
TT = Two-Tone	SB = Sublet Repair	N = ADDITIONAL OPERATION
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chipguard	RI = R & I Assembly	P = Check
RP = RP-RELATED PRIOR		



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**\*\*\* SUPPLEMENT RECONCILIATION \*\*\***

**Supplement S1**

<b>Claim # :</b> 55-688N-55801	<b>Insured Policy # :</b>
<b>File # :</b>	<b>Claim Rep:</b> Erin McHenry
<b>Insured:</b> CARLOS DELGADO	<b>Inspection Date/Time:</b> 07/13/2015 01:49 PM
<b>Owner Name:</b> CARLOS DELGADO	
<b>Appraiser Name:</b> JOE FARIAS	
<b>Vehicle:</b> 2012 Chevrolet Cruze LT 1FL 4 DR Sedan	

**Changed Lines**

Line	Guide	Part	Operation	Price	ADJ%	B%	Labor	Rate
1	83	Panel,Hood	Refinish				5.1	RF
		Panel,Hood					6.0	RF
2	103	Fender,Front LT	Refinish				2.9	RF
		Fender,Front LT					3.2	RF
3	207	Door Shell,Front LT	Blend Refinish				1.2	RF
		Door Shell,Front LT					1.4	RF
4	261	Cover,Frt Door Mirror LT	Refinish				0.6	RF
		Cover,Frt Door Mirror LT					0.7	RF
5	625	Pillar,Windshield LT	Refinish				0.6	RF
		Pillar,Windshield LT					0.7	RF

**Calculation Changes**

	From	To	Difference
Paint & Materials	\$37.00	\$444.00	\$37.00
Tax on Parts & Material	8.000%	\$103.98	8.000%
RF - Refinish	\$70.00	\$840.00	\$70.00

**Actual Supplement 1 Net Total**

**\$175.94-**

**Summary**

	Net Total	Date	Time	Appraiser
Original Estimate	\$2,774.68	07/09/2015	04:12 PM	JOE FARIAS
Supplement 1	\$2,598.74	07/23/2015	02:48 PM	JOE FARIAS



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535253051



For Customer Support refer to the appropriate platform below:

**OrderPoint**  
800-934-9698  
Orderpoint.support@lexisnexis.com

**Accurint for Insurance**  
866-277-8407  
Accurint.support@lexisnexis.com

**Lexis.com**  
Law Firm accounts  
800-543-6862

PAGE COUNT: 3

---

CLIENT : SF5436  
DIVISION :  
ADJUSTER : MCZ336  
CLAIM : 55-688N-558

TRANSACTION # : 535253051  
DATE : 07/23/2015

DATE OF LOSS : 07/09/2015 TIME OF LOSS : 01:30 PM  
STREET :  
CITY : NEWMAN  
COUNTY : STANISLAUS  
STATE : CA

INVESTIGATING AGENCY : NEWMAN PD  
REPORT NUMBER : NP15000739  
REPORT TYPE : Other  
PARTY 1 : CYNTHIA CAETANO  
PARTY 2 : CHRISTINA SALAZAR  
PARTY 3 :

CAR : CRUZE MAKE : CHEV YEAR : 2012  
TAG :

DRIVER LICENSE :  
ADDITIONAL INFO :  
VEHICLE WAS PARKED AND OCCUPIED AND A TREE BRANCH FELL ON VEH

POLICY #:  
POLICY STATE:  
LOSS KIND:

---

NOTE :

---

THANK YOU FOR YOUR ORDER!

535253051



**NEWMAN POLICE DEPARTMENT**

1200 MAIN ST/PO BOX 787 NEWMAN, CA 95360 209-862-2902  
NARRATIVE

Page 2

NP15000739

CORPORAL CHAD EARLE #N270

**NARRATIVE:**

On 07-09-15 at approximately 1332 hours, I was dispatched to 1309 Main St. regarding tree branch which had fallen on a parked car with a woman inside the vehicle.

I spoke with Cynthia Caetano who advised the vehicle is hers and she was getting ready to leave her work when the branch fell and damaged her car. Caetano was not injured and denied medical attention.

I contacted City of Newman Public Works and they responded to the location as the tree is City of Newman property.

I photographed the scene and copies of the pictures will be attached to this report.

CONTROLLED DOCUMENT

Prepared By:  
N270 EARLE, CHAD

Date:  
07/09/2015

Approved By:  
N218 GOSSELIN, JASON

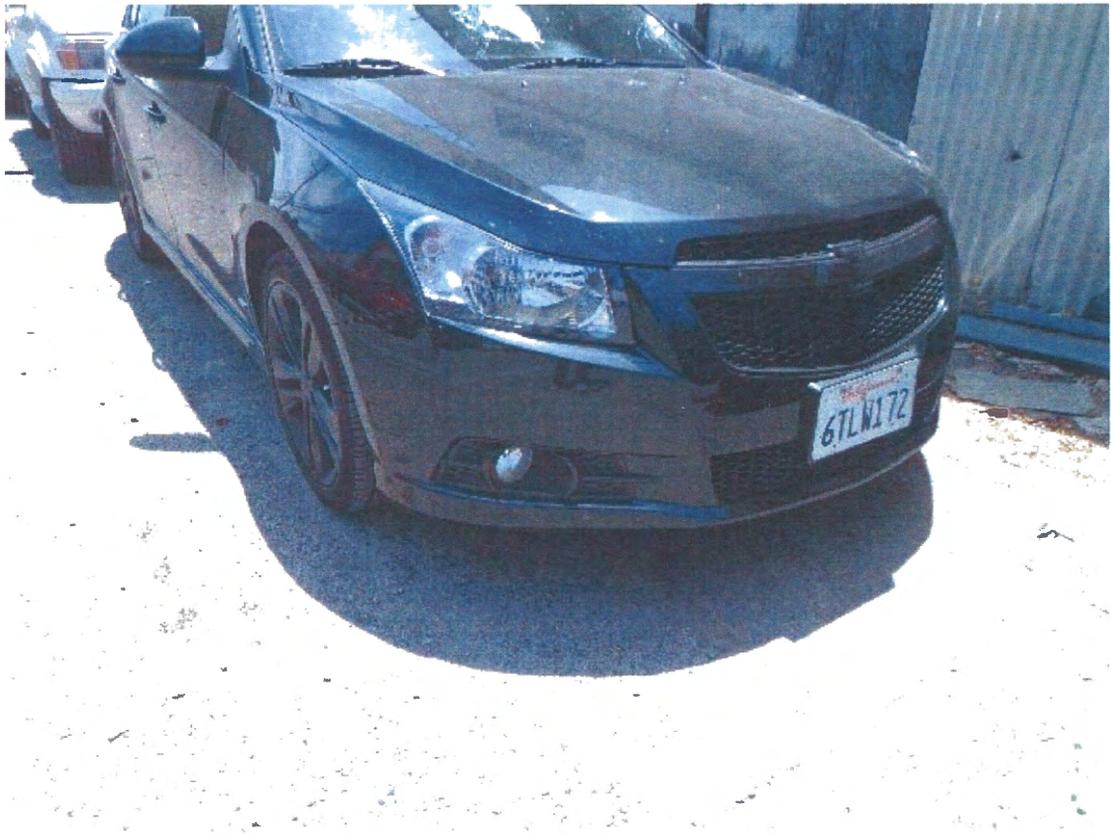
Date:  
07/14/2015

**CONTROLLED  
DOCUMENT**





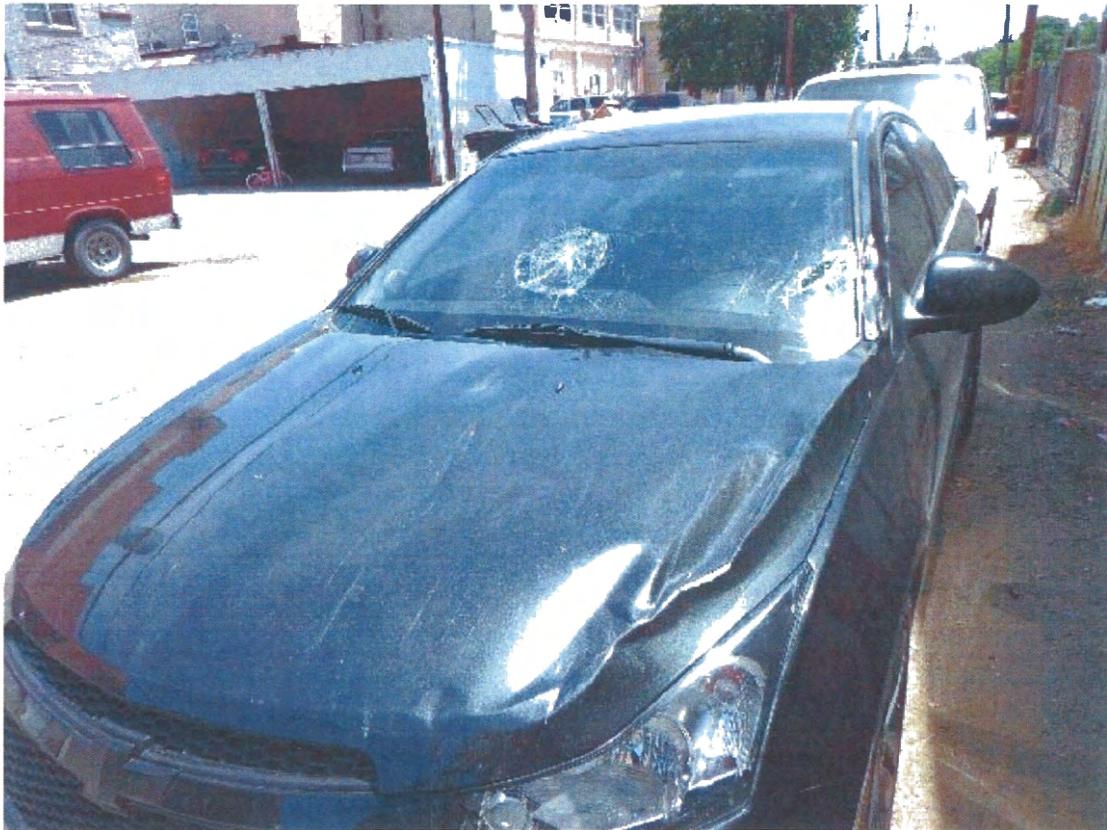












J & J AUTO BODY  
355 5TH ST  
GUSTINE, CA 95322  
PHONE: (209) 854-6040

\*\*\* ESTIMATE \*\*\*

07/13/2015 01:52 PM

**Owner**

**Owner:** CARLOS DELGADO  
**Address:** 711 LEE AVE  
**City State Zip:** NEWMAN, CA 95360-1112  
**Cell:** (209)410-2316  
**Home/Evening:** (209)410-2316

**Control Information**

**Claim # :** 55-688N-55801  
**Loss Date/Time:** 07/09/2015 05:00 AM  
**Deductible:** \$500.00  
**Ins. Company:** State Farm  
**Insured:** CARLOS DELGADO  
**Address:**  
**Claim Rep:** Erin McHenry  
**Address:**  
**Insured Policy # :**  
**Loss Type:** Comprehensive  
**Cell:** (209)410-2316  
**Home/Evening:** (209)410-2316  
**Work/Day:** (844)292-8615x6616635527

**Inspection**

**Inspection Date:** 07/13/2015 01:49 PM  
**Inspection Location:** J & J AUTO BODY  
**Address:** 355 5TH ST  
**City State Zip:** GUSTINE, CA 95322-1126  
**Primary Impact:** Hood  
**Driveable:** No  
**Inspection Type:** Select Service  
**Contact:**  
**Home/Day:** (209)854-6040  
**Secondary Impact:** Left Front Side  
**Rental Assisted:**  
**Assigned Date/Time:**  
**First Contact Date/Time:**  
**Appraiser Name:** JOE FARIAS  
**Received Date/Time:** 07/10/2015 02:58 PM  
**Appointment Date/Time:** 07/10/2015 05:00 AM  
**Appraiser License # :**

**Repairer**

**Repairer:** J&J AUTO BODY  
**Address:** 355 5TH ST  
**City State Zip:** Gustine, CA 95322  
**Email:** jandjautobody6040@yahoo.com  
**Contact:**  
**Work/Day:** (209)854-6040  
**FAX:** (209)854-6040  
**Work/Day:**  
**Repair Start Date/Time:** 07/13/2015 02:24 PM  
**Target Complete Date/Time:** 07/22/2015 02:24 PM  
**Vehicle Drop Off Date/Time:** 07/09/2015 05:50 PM  
**Days To Repair:** 7

**Vehicle**

2012 Chevrolet Cruze LT 1FL 4 DR Sedan

4cyl Gasoline Turbo 1.4  
 6-Speed Automatic

**Lic.Plate:** 6PLW172  
**Lic Expire:** 08/2015  
**Prod Date:** 08/2011  
**Veh Insp# :**  
**Condition:** Good  
**Ext. Color:** BLACK PRL  
**Ext. Refinish:** Three-Stage UserDefined  
**Ext. Paint Code:** 04Y

**Lic State:** CA  
**VIN:** 1G1PF5SC7C7125695  
**Mileage:** 70,481  
**Mileage Type:** Actual  
**Code:** U2373B  
**Int. Color:**  
**Int. Refinish:** Two-Stage  
**Int. Trim Code:**

**Options**

2nd Row Head Airbags	AM/FM CD Player	Air Conditioning
Alarm System	Aluminum/Alloy Wheels	Anti-Lock Brakes
Auto Headlamp Control	Bucket Seats	Center Console
Daytime Running Lights	Dual Airbags	Emergency S.O.S. System
Halogen Headlights	Head Airbags	Intermittent Wipers
Keyless Entry System	Knee Air Bags	Leather Steering Wheel
Lighted Entry System	MP3 Decoder	Power Brakes
Power Door Locks	Power Mirrors	Power Steering
Power Windows	Rear Side Airbags	Rear Window Defroster
Rem Trunk-L/Gate Release	Side Airbags	Split Folding Rear Seat
Stability Cntrl Suspensn	Tachometer	Theft Deterrent System
Tilt & Telescopic Steer	Tinted Glass	Tire Pressure Monitor
Traction Control System	Trip Computer	Velour/Cloth Seats

**Damages**

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
<b>Front Body And Windshield</b>										
1	E	83	46	Panel,Hood	95461566 GM Part	\$295.00			1.2	SM
2	L	83	14	Panel,Hood	Refinish				6.0	RF
					2.7 Surface					
					1.1 Edge					
					1.0 Three-stage setup					
					1.0 Three-stage					
					0.2 Two-stage					
3	E	103	46	Fender,Front LT	95092194 GM Part	\$179.00			3.0	SM
4	L	103		Fender,Front LT	Refinish				3.2	RF
					1.9 Surface					
					0.5 Edge					
					0.7 Three-stage					
					0.1 Two-stage					
5	UE	143		Windshield,Shaded	Replace OE Surplus	\$317.00*			3.0	SM
<b>Front Doors</b>										
6	BR	207		Door Shell,Front LT	Blend Refinish				1.4	RF
					0.7 Blend					
					0.7 Three-stage					
7	RI	407		W/Strip,Belt Outer LT	R & I Assembly				0.3	SM
8	RI	1019		Motor,Mirror LT	R & I Assembly				0.2	SM
9	E	261		Cover,Frt Door Mirror LT	95215106 GM Part	\$58.70			0.1	SM
10	L	261		Cover,Frt Door Mirror LT	Refinish				0.7	RF
					0.5 Surface					
					0.2 Three-stage					
11	RI	470		Handle,Front Door Otr LT	R & I Assembly				0.2	SM

**Quarter And Rocker Panel**

12	IT	625	07	Pillar,Windshield LT	Partial Repair		5.0*	SM
13	L	625		Pillar,Windshield LT	Refinish		0.7	RF
					0.5 Surface			
					0.2 Three-stage			

**Rear Body, Lamps And Floor Pan**

14	RI	533		Taillamp Assembly,Otr LT	R & I Assembly		0.3	SM
----	----	-----	--	--------------------------	----------------	--	-----	----

**Manual Entries**

15	TE	M17		Cover Car Exterior	Partial Replace Price	\$3.00*		RF
				>> FOR OVERSPRAY				
16	TE	M60		Hazardous Waste Removal	Partial Replace Price	\$3.00*		SM
16	Items							

**MC Message**

07	STRUCTURAL PART AS IDENTIFIED BY I-CAR
14	INCLUDES 1.0 HOURS FIRST PANEL THREE-STAGE ALLOWANCE
46	PRINTABLE ALTERNATE PARTS COMPARE

**Estimate Total & Entries**

Gross Parts		\$538.70	
OE Surplus Parts		\$317.00	
Paint & Materials	12.0 Hours @ \$37.00	\$444.00	
Parts & Material Total			\$1,299.70
Tax on Parts & Material	@ 8.000%		\$103.98

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$70.00	8.3	5.0	13.3	\$931.00
Mech/Elec (ME)	\$70.00				
Frame (FR)	\$70.00				
Refinish (RF)	\$70.00	12.0		12.0	\$840.00
<b>Labor Total</b>				25.3 Hours	\$1,771.00
Towing					\$100.00
<b>Gross Total</b>					<b>\$3,274.68</b>
Less: Deductible					\$500.00-
<b>Net Total</b>					<b>\$2,774.68</b>

For more information regarding State Farm's promise of satisfaction relating to new non-original equipment manufacturer (non-OEM) and recycled parts, please visit: <http://st8.fm/7X4> or QR code.



Register online to check the status of your claim and stay connected with State Farm®. To register, go to [statefarm.com](http://statefarm.com) and select Check the Status of a Claim. If you are already registered, thank you!

Alternate Parts Y/02/00/00/02/02 CUM 02/00/00/02/02 Zip Code: 95322 Geo 95322

Audatex Estimating 7.0.533 ES 07/13/2015 02:28 PM REL 7.0.533 DT 06/01/2015 DB 07/08/2015  
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0.3 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.  
3.8 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S THREE-STAGE REFINISH FORMULA.

"NOTICE - REPAIRS TO THIS VEHICLE MAY REQUIRE SPECIFIC  
WELDING EQUIPMENT AS RECOMMENDED BY THE MANUFACTURER"  
THIS IS NOT AN AUTHORIZATION TO REPAIR. ALL SUPPLEMENTS REQUIRE PRIOR APPROVAL  
BY A STATE FARM CLAIM REPRESENTATIVE.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY  
A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. ANY WARRANTIES  
APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR  
DISTRIBUTOR OF THE PARTS, RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR  
VEHICLE.

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS  
FORM: ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE  
PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND  
CONFINEMENT IN STATE PRISON. FALSE REPRESENTATIONS MADE ON A SIGNED AUTO  
THEFT CLAIM FORM SUBJECTS THE INSURED TO A PENALTY OF PERJURY.

PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 10, CHAPTER 5, SUBCHAPTER  
7.5, SECTION 2695.8 THE INSURER WARRANTS THAT ANY NON-ORIGINAL EQUIPMENT  
MANUFACTURER PARTS SPECIFIED IN THIS ESTIMATE ARE AT LEAST EQUAL TO THE  
ORIGINAL EQUIPMENT MANUFACTURER PARTS IN TERMS OF KIND, QUALITY, SAFETY, FIT,  
AND PERFORMANCE.

#### Op Codes

* = User-Entered Value	E = New Part	NG = Replace NAGS
EC = ** NON-OEM PART	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = ** NON-OEM PART	EU = RECYCLED PART
TE = Partial Replace Price	PM = REMAN/REBUILT PART	UM = REMAN/REBUILT PART
L = Refinish	PC = RECOND PART	UC = RECOND PART
TT = Two-Tone	SB = Sublet Repair	N = ADDITIONAL OPERATION
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chipguard	RI = R & I Assembly	P = Check
RP = RP-RELATED PRIOR		



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Honorable Mayor and Members  
of the Newman City Council

**ADOPT RESOLUTION NO. 2015- , APPROVING THE L.J. NEWMAN MEMORIAL CENTER RENOVATION PROJECT AS COMPLETE AND AUTHORIZING ROBERT MARTINA AS MAYOR, AND MIKE MAIER AS CITY CLERK TO RECORD A NOTICE OF COMPLETION**

**RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 2015- , Approving the L.J. Newman Memorial Center Renovation Project as Complete and Authorizing Robert Martina as Mayor, and Mike Maier as City Clerk to Record a Notice of Completion.

**BACKGROUND:**

On October 8, 2013, City staff presented the City Council with a number of options regarding the Louis J. Newman Memorial Center's Improvements. Council directed staff to proceed with Option 2 "Highest Impact", renovating both the interior and exterior of the building with a total construction budget of \$495,000. On September 9, 2014, the City Council awarded a contract to Harris Builders for \$431,350.00; the original Engineer's Estimate for the project was \$421,448.46 (not including change order items).

**ANALYSIS:**

Project construction was substantially completed on April 21, 2015. A number of minor outstanding items have been completed since that time. One remaining item (HVAC override timer) will be resolved via the warranty process. The contractor has given substantial effort towards addressing this issue and staff is confident it will be completed in a timely manner.

Given the nature of the project, adjustments in scope and resulting change orders were expected. As with any older building renovation, unexpected issues make themselves known once demolition has occurred. The project had a total of eight (8) approved change orders totaling \$35,889.95 (8.3%; up to 10% is typically considered acceptable), they include:

- New rear windows (previously unframed plastic)
- New ceiling grid and lights
- Complete HVAC duct replacement
- Exterior lighting
- Additional floor preparation (surface leveling, etc.)
- Miscellaneous items (trim work, etc.)

Construction work was inspected by Chief Building Official Mike Brinkman and City Staff. City Engineer Mario Gouveia and Project Architect Peter Mogensen performed the final inspection and found the work to be in compliance with approved project plans and specifications. Additional project work completed by the City (i.e. painting, cameras, etc.) will be brought to the Council for review in a separate future report.

**FISCAL IMPACT:**

Original Project Bid	\$431,350.00.	
Change Orders	\$35,889.95	
Total Project Cost	\$467,239.95	Available via Capital Improvement Funds

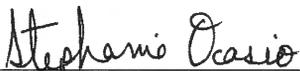
**CONCLUSION:**

The L.J. Newman Memorial Center Renovation Project constructed by Harris Builders has been completed in compliance with the plans and specifications with a final construction cost of \$467,239.95. Therefore, staff recommends that the City Council adopt Resolution No. 2015- , Approving the L.J. Newman Memorial Center Renovation Project as Complete and Authorizing Robert Martina as Mayor, and Mike Maier as City Clerk to Record a Notice of Completion.

**ATTACHMENTS:**

1. Resolution No. 2015-

Respectfully Submitted,

  
Stephanie Ocasio  
City Planner

**REVIEWED/CONCUR:**

  
Michael E. Holland  
City Manager

**RESOLUTION NO. 2015-**

**APPROVING THE L.J. NEWMAN MEMORIAL CENTER RENOVATION PROJECT AS COMPLETE  
AND AUTHORIZING ROBERT MARTINA AS MAYOR, AND MIKE MAIER AS CITY CLERK  
TO RECORD A NOTICE OF COMPLETION**

WHEREAS, on the 12th day of September, 2014, agreements were entered into between the City Of Newman, herein after referred to as "CITY" and Harris Builders, herein after referred to as "CONTRACTOR" for the making of certain improvements in the City of Newman, County of Stanislaus, State of California, known as the L.J. Newman Memorial Center Renovation Project; and

WHEREAS, the improvement security referred to in said agreement was duly executed and filed by Contractor;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman as follows:

1. That the improvements referred to in said agreement and the maps and other matters referred to therein be, and the same hereby are, approved and accepted.
2. That Robert Martina, as Mayor and Mike Maier as City Clerk, are hereby authorized and directed to execute and record a Notice of Completion of said improvements.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8th day of September, 2015 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
Robert Martina, Mayor

Attest:

\_\_\_\_\_  
Mike Maier, City Clerk

I hereby certify that the foregoing is a full, correct and true copy of a resolution passed by the City Council of the City of Newman, a municipal corporation of the County of Stanislaus, State of California, at a regular meeting held on September 8, 2015, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED: \_\_\_\_\_, 2015.

\_\_\_\_\_  
City Clerk





**City of Newman  
City Manager's Office  
Memorandum**

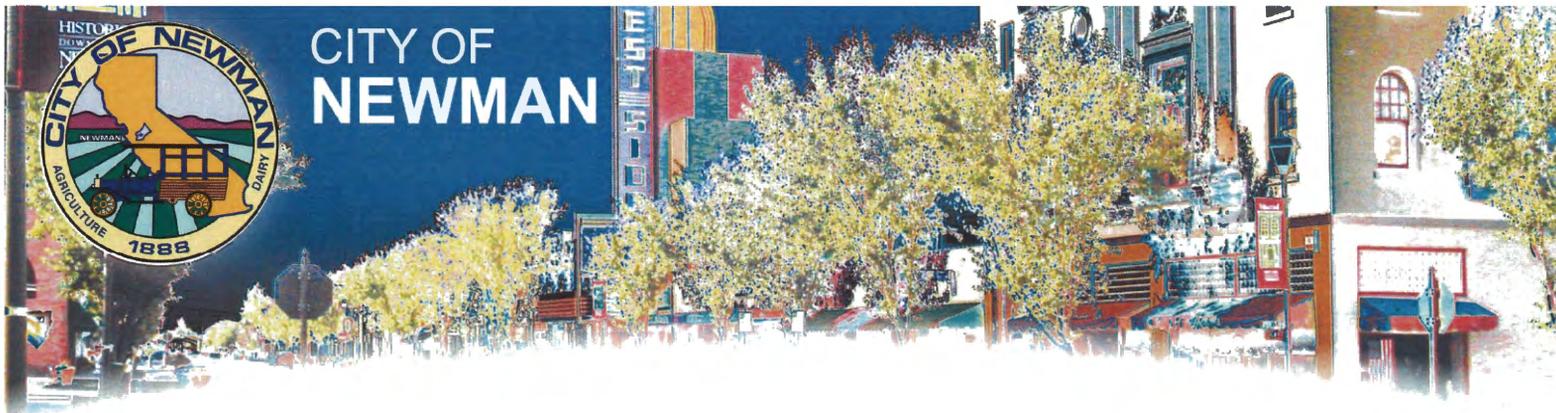
**Date:** September 2, 2015  
**To:** Mayor and City Council  
**From:** Michael E. Holland, City Manager *M3A*

**Subject:** Item No. 8.f. – Accept the Stanislaus County Grand Jury report and response to the findings and recommendations.

In June 2015, the Stanislaus County Civil Grand Jury submitted a letter (confidential copy of file with City Clerk) to the City regarding the following section of the Civil Grand Jury final report:

15-16GJ – Local Effects of Prison Realignment (AB 109) and Proposition 47.

The letters requests a response be submitted within 90 days (Sept 15, 2015). Over the past several weeks, the City has worked with legal counsel to prepare the attached response. Staff recommends the Council accept the report and response to the findings and recommendations.



September 9, 2015

ATTACHMENT "A"

The Honorable Marie Sovey Silveira, Presiding Judge  
Stanislaus County Superior Court  
Post Office Box 3488  
Modesto, California 95353

Re: Stanislaus County Civil Grand Jury Case No. 15-16GJ

Your Honor:

The Newman City Council submits to you the following responses to the findings and recommendations received from the Stanislaus County Civil Grand Jury on June 17, 2015, regarding the above-reference case number:

**LOCAL EFFECTS OF PRISON REALIGNMENT AND  
CALIFORNIA ASSEMBLY BILL 109**

**FINDINGS AND POTENTIAL RESPONSES TO FINDINGS**

F1: AB 109 has affected County Sheriff and Probation Departments most, and there have been some effects to other County departments.

The Respondent agrees with the finding.

F2: The State provides funding for the implementation of AB 109 through a formula that has been developed and amended several times since AB 109 passed.

The Respondent agrees with the finding.

F3: The Community Corrections Partnership, particularly the CCP Executive Committee, is responsible to allocate the funds provided by the State for the implementation of AB 109.

The Respondent agrees with the finding.

F4: The CCP meetings are public, but are not widely publicized, and the current location of the CCP meetings would not be able to accommodate a large number of public participants.

The Respondent disagrees wholly or partially with finding and shall include an explanation.

Explanation: In consultation and review with the CCP we find that the CCP has been established in accordance with California Penal Code 1230. All meetings are open to the public and in compliance with the Brown Act. Additionally on a yearly basis the CCP plan is presented to Board of Supervisors for approval.

F5: AB 109 may have some effects to local public safety in the County, which may be compounded by budget cuts that have occurred to local law enforcement agencies.

The Respondent agrees with the finding.

**RECOMMENDATIONS AND POTENTIAL RESPONSES TO RECOMMENDATIONS**

R1: None

R2: The Stanislaus County Sheriff and Chief Probation Officer should continue to be active, both individually and through their statewide organizations, to ensure that Stanislaus County receives its fair share of funding for the implementation of AB 109.

The recommendation has been implemented, with a summary regarding the implemented action.

The CCP, consisting of the Chief probation Officer as the Chair, along with Sheriff Christianson are actively involved in securing the fair share of funding for Stanislaus County.

R3: None.

R4: The CCP should develop strategies to increase public awareness of its mission and to encourage more public participation at meetings.

As noted prior, we have reviewed the CCP chair response and agree, and defer to their response.

R5: The Stanislaus County Board of Supervisors and the City Councils of all nine incorporated cities within the County should take action to restore budgets and expand police services, particularly community-oriented and problem-oriented policing, to respond to the potential challenges of AB 109.

The recommendation has been implemented, with a summary regarding the implemented action.

The Newman City Council has begun a three phase approach to restoring staffing as budgetary constraints allow. The reimplementation of a Street Crimes Unit with the focus of being proactive towards repeat offenders and also a focus on quality of life issues such as loitering, public nuisances, graffiti, gangs, drug uses and sales.

**LOCAL EFFECTS OF PRISON REALIGNMENT AND CALIFORNIA PROPOSITION 47**

**FINDINGS AND POTENTIAL RESPONSES TO FINDINGS**

F6: Proposition 47 has resulted in impacts to all levels of the County's criminal justice system, but it is difficult to quantify these impacts in the short term, and the long term impacts are unknown.

The Respondent agrees with the finding.

F7: Proposition 47, combined with the budget reductions to local law enforcement agencies, may result in an increase in property crimes throughout the county.

The Respondent agrees with the finding.

F8: The passage of Proposition 47 has resulted in significant unintended consequences. These include crippling Drug Court, creating holes in the state DNA database, and the reclassifying of some gun crimes.

The Respondent agrees with the finding.

F9: There have been attempts to create legislative solutions to some of the consequences of Proposition 47, but they are yet to be successful.

The Respondent agrees with the finding.

**RECOMMENDATIONS AND POTENTIAL RESPONSES TO RECOMMENDATIONS**

R6: None

R7. The Stanislaus County Board of Supervisors and the City Councils of all nine incorporated cities within the County should take action to restore budgets and expand police services, particularly community-oriented and problem-oriented policing, to respond to the potential challenges of Proposition 47.

The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.

The Newman City Council has begun a three phase approach to restoring staffing for the Police Department as budgetary constraints allow. The reimplementation of a Street Crimes Unit with the focus of being proactive towards repeat offenders and probationary persons and also a focus on quality of life issues such as loitering, public nuisances, graffiti, gangs, drug uses and sales along the lines of incorporating the community involvement to provide the necessary concepts outlined in Community Orientated Policing.

R8: See R9

R9: The criminal justice leaders of Stanislaus County should continue to be active, both individually and through their professional organizations, in California's legislative challenges to salvage the unintended consequences of Proposition 47.

The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation as recommended from the CCP.

Sincerely,

Robert Martina, Mayor  
Nicolas Candea, Council Member  
Roberta Davis, Council Member  
Casey Graham, Council Member

Honorable Mayor and Members  
of the Newman City Council

**ADOPT RESOLUTION NO. 2015- , AWARDING A BID FOR THE SKATE PLAZA PROJECT**

**RECOMMENDATION:**

Adopt Resolution No. 2015- , Awarding A Bid For The Skate Plaza Project.

**BACKGROUND:**

The City has been actively pursuing grant funding for the development of a Skate Plaza since 2012. Since the project has been approved by the City Council to be located at the former Plunge Site (within Lions Park), seven grants have been successfully awarded (in addition to local fundraising efforts).

The project was originally put out to bid in April 2015 with a bid opening on Monday May 18th at 2:00pm; one bid was submitted for the project. In an effort to receive more competitive bids, the bid was rejected by the City Council through the adoption of Resolution No. 2015-26.

**ANALYSIS:**

Project bids were distributed to 24 Northern California Builder's Exchanges, 24 contractors with related experience and published on July 16<sup>th</sup>. The project bid opening was held on Tuesday August 18<sup>th</sup> at 2:00pm; bid amounts were as follows:

<b>Contractor</b>	<b>Base Bid</b>	<b>Alternate #1</b>	<b>Alternate #2</b>	<b>Alternate #3</b>	<b>Total Bid</b>
F. Loduca Company	\$349,550	\$25,000	\$78,900	(\$18,500)	<b>\$434,950</b>
Sinclair General Engineering & Const.	\$368,954	\$34,000	\$83,231	(\$33,959)	<b>\$452,226</b>

Per the project documents, the bid must be awarded to the lowest responsible bidder based on the total bid amount (base plus all alternates). Although the project (if approved by the Council) would be awarded in its entirety, project documents allow the City to select which alternates (if any) are constructed. Submitted bids have been reviewed, verified and subsequently certified by the Project Engineer (O'Dell); F. Loduca Company has been identified as the lowest responsible bidder.

**FISCAL IMPACT:**

Project costs are budgeted in Fund 17 (State Grants).

On January 28, 2014, the City Council authorized the City's application for a Land and Water Conservation Fund grant for the Skate Plaza Project; a part of the application was the allocation of matching funds. Given that some grant funds had already been secured, the anticipated match amount (from Park Facility Fees (PFF)) was identified as \$77,138. Since that time, additional grants have been awarded. However, in order to fund the base bid for the project, the full amount of \$77,138 (plus all grant funds) should be utilized; this would result in a contingency amount of \$33,064.08 which would allow for the future installation of cameras, etc.

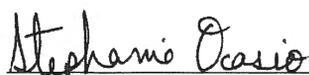
**CONCLUSION:**

The City of Newman advertised and received bids for the construction of the Skate Plaza Project; F. Loduca Company has been determined to be the lowest responsible bidder. Therefore, staff recommends that the City Council adopt Resolution No. 2015- , Awarding A Bid For The Skate Plaza Project.

**ATTACHMENTS:**

1. Resolution No. 2015-

Respectfully Submitted,



Stephanie Ocasio  
City Planner

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

**RESOLUTION NO. 2015-**

**AWARDING A BID FOR THE SKATE PLAZA PROJECT**

WHEREAS, the City of Newman has been actively pursuing grant funding for the development of a Skate Plaza since 2012; and

WHEREAS, project bids for said project were distributed to 24 Northern California Builder's Exchanges, 24 contractors with related experience and published on July 16<sup>th</sup>; and

WHEREAS, the project's bid opening was held on Tuesday August 18, 2015 at 2:00pm; and

WHEREAS, the City of Newman has solicited for and received the following bids:

<b>Contractor</b>	<b>Base Bid</b>	<b>Alternate #1</b>	<b>Alternate #2</b>	<b>Alternate #3</b>	<b>Total Bid</b>
F. Loduca Company	\$349,550	\$25,000	\$78,900	(\$18,500)	<b>\$434,950</b>
Sinclair General Engineering & Construction	\$368,954	\$34,000	\$83,231	(\$33,959)	<b>\$452,226</b>

; and

WHEREAS, F. Loduca Company is the lowest responsible bidder with a total bid amount of \$434,950.00; and

WHEREAS, funds for the project are available through Park Facilities Fees and State Grants; and

WHEREAS, City of Newman staff has recommended that the City Council approve a contract with F. Loduca Company for the Skate Plaza Project; and

WHEREAS, the City Council of the City of Newman has determined it would be in the best interest of the City to enter into a contract with F. Loduca Company.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the contract with F. Loduca Company and authorizes the City Manager to execute said contract for the Skate Plaza Project.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8<sup>th</sup> day of September, 2015 by Council Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**ADOPT RESOLUTION NO. 2015- , APPROVING AN APPLICATION FOR CLEAN WATER STATE REVOLVING FUND FOR WASTE DISCHARGE REQUIREMENT RENEWAL AND WWTP UPGRADES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL FINANCIAL DOCUMENTS, APPLICATIONS, AND CERTIFICATIONS**

**RECOMMENDATION:**

It is recommended that the Newman City Council:

1. Approve an application for Clean Water State Revolving Fund (CWSRF) financial assistance for waste discharge requirement renewal and WWTP upgrades.
2. Authorize the City Manager to execute all financial documents, applications, and certifications

**BACKGROUND:**

For several years, the Regional Water Board, Region 5, and the City of Newman (City) have been working to resolve concerns with potential groundwater degradation occurring at WWTP. In addition, the City has been planning for orderly growth within the City through the General Plan process. The groundwater degradation question has been the primary hold-up to the Regional Water Board drafting and issuing updated Waste Discharge Requirements (WDR) that would be compatible with the City's General Plan. The City has a long-term plan which involves improving source water quality, which in turn will have a positive impact on wastewater quality.

In the interim, the Regional Water Board has tentatively accepted a solution which would involve diluting our effluent with lower salinity raw surface water to reduce or eliminate the risk of groundwater degradation from agricultural reclamation activities. As such, the City can be qualified for planning grant funds through the CWSRF Small Communities Program (SCP) allowing a groundwater impact mitigation program to be implemented.

**ANALYSIS:**

The Regional Water Board, Region 5, has identified specific study effort needed to support renewal of the WWTF waste discharge requirements and which the City would like the Division of Financial Assistance (DFA) to consider funding with planning grants. The proposed projects the City would like to have funded include the following components:

- Plan of Study and Planning Funds Application
- Groundwater Conditions and Quality Evaluation
- Anti-degradation Analysis
- Commercial Salinity Reduction Study
- Evaluation of Municipal Source Well Retrofit
- Review of Administrative Draft and Tentative Orders
- Treatment and Disposal Alternatives Evaluation
- Project Report
- Environmental Documentation
- Environmental Regulatory Permitting
- CWSRF Construction Funding Application Coordination
- Sewer Rate Study and Compliance with Proposition 218 (if required for construction)

Application procedures require an applicant's governing body declare by resolution certain authorizations related to the administration of said grants. Once the resolution has been approved, the City will be eligible to apply for grant funding. If awarded, the proposed grants would award up to \$500,000 for the cost of the approved projects.

**FISCAL IMPACT:**

There is no fiscal impact to the City of Newman for grants. It is 100% funding and requires no local match.

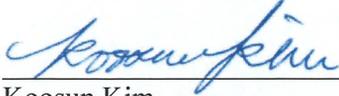
**CONCLUSION:**

Application procedures require the applicant's governing body to declare by resolution certain authorizations related to the administration of CWSRF Small Communities Program. Therefore, staff recommends City Council adopt Resolution No. 2015- , approving an application for Clean Water State Revolving Fund (CWSRF) financial assistance for the projects related to waste discharge requirement renewal and WWTP upgrades, and authorizing the City Manager to execute all financial documents, applications, and certifications.

**ATTACHMENTS:**

1. Resolution No. 2015- , Approving an application for Clean Water State Revolving Fund (CWSRF) financial assistance, and authorizing the City Manager to execute associated documents

Respectfully Submitted,



Koosun Kim  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

**RESOLUTION NO. 2015-**

**APPROVING AN APPLICATION FOR CLEAN WATER STATE REVOLVING FUND FOR WASTE DISCHARGE REQUIREMENT RENEWAL AND WWTP UPGRADES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL FINANCIAL DOCUMENTS, APPLICATIONS, AND CERTIFICATIONS**

WHEREAS, The Regional Water Board, Region 5, and the City of Newman (City) have been working to resolve concerns with potential groundwater degradation occurring at WWTP; and

WHEREAS, In the interim, the Regional Water Board has tentatively accepted a solution which would involve diluting our effluent with lower salinity raw surface water to reduce or eliminate the risk of groundwater degradation from agricultural reclamation activities; and

WHEREAS, The City can be qualified for planning grant funds through the Clean Water State Revolving Fund (CWSRF) Small Communities Program (SCP) allowing a groundwater impact mitigation program to be implemented; and

WHEREAS, The projects the City wants to implement include the following components:

- |   |   |
|---|---|
| ▪ Plan of Study and Planning Funds Application        | ▪ Treatment and Disposal Alternatives Evaluation                                      |
| ▪ Groundwater Conditions and Quality Evaluation       | ▪ Project Report  |
| ▪ Anti-degradation Analysis                           | ▪ Environmental Documentation   |
| ▪ Commercial Salinity Reduction Study                 | ▪ Environmental Regulatory Permitting   |
| ▪ Evaluation of Municipal Source Well Retrofit        | ▪ CWSRF Construction Funding Application Coordination                                 |
| ▪ Review of Administrative Draft and Tentative Orders | ▪ Sewer Rate Study and Compliance with Proposition 218 (if required for construction) |

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that;

1. The City Manager is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design and construction of the City of the Newman Waste Discharge Requirement Renewal and WWTP Upgrades.
2. The City Manager is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.
3. The Authorized Representative is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8th day of September, 2015 by \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor of the City of Newman

\_\_\_\_\_  
City Clerk of the City of Newman



**City of Newman  
City Manager's Office  
Memorandum**

**Date:** September 2, 2015  
**To:** Mayor and City Council  
**From:** Michael E. Holland, City Manager 2734

**Subject:** Item No. 10.c – Approve Rotary Club's request to place banner at the corner of Fresno and Highway 33.

The Newman Rotary Club is preparing to launch their End Polio Now campaign. As part of the campaign, the club would like to place utilize a banner to inform the public. Attached is a written request from the Club to place a 8'x2' banner at the intersection of Fresno and Highway 33. The banner would be placed within the grassy area and mounted with two or three metal posts approximately 4-5 feet off the ground. The banner would be erected for the month of October. Staff recommends the Council approve the request by the Newman Rotary Club.

Attachment:  
Letter from Rotary Club of Newman



Service Above Self  
He Profits Most Who Serves Best

# Rotary Club of Newman

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P.O. Box 551 • Newman, CA 95360

Newman City Council  
City of Newman  
P.O. Box 787  
Newman, CA 95360

August 19, 2015

Dear Council Members:

The Newman Rotary Club will launch a major campaign, End Polio Now, this September and October to inform the public about the present level of polio in the world and that "We Are This Close To Eliminating Polio Worldwide". We wanted to install a wide banner across the intersection of Main and Fresno, but this is no longer possible.

We would like to put up an 8' by 2' banner on the grass, east of the building that was owned by Dr. McBride. It would be halfway between Fresno Street and the parking lot, 12' in from the sidewalk that parallels Highway 33. It would be mounted on two metal fence posts 8' high with the bottom of the banner 4-5' off the ground.

In this location, the banner would be easily read from the traffic on Highway 33 going in both directions. The sign will read in large letters END POLIO NOW. Below it will read Newman Rotary Club. We believe this would be a great public relations opportunity for our End Polio Now efforts and give our campaign a needed boost. We would like the sign to be up the month of October.

We also ask the council at their September 8<sup>th</sup> meeting to issue a proclamation officially naming Saturday, October 24<sup>th</sup> as World-Wide Polio Elimination Day in Newman. We would offer some "whereas statements". Our End Now Polio committee would like to be present for photo-op.

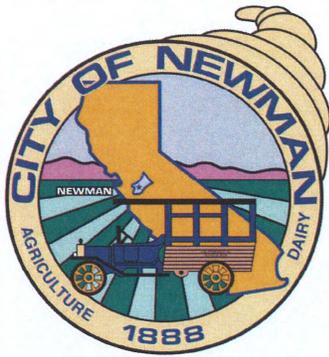
Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Carol Stephens".

Carol Stephens

Newman Rotary International Service Chairman



**City of Newman  
City Manager's Office  
Memorandum**

**Date:** September 3, 2015

**To:** Mayor and City Council

**From:** Michael E. Holland, City Manager *MBH*

**Subject:** Item No. 10.d. –StanCOG and Public Safety Sub-Committee appointments.

Typically, in January following an election, the City selects members to sit on various City and countywide committees. With the recent resignation of Mayor Katen, two important committees are in need of Council representation. With respect to StanCOG, Council Member Candea is the current alternative. The primary representative was Mayor Katen. With respect to the Public Safety Sub-Committee, Council Member Graham is now the sole representative. Staff believes it is important to have two members in place as the City works with West Stanislaus Fire on an agreement. All remaining openings can be filled after the Council vacancy is filled.